

A N
HISTORICAL ACCOUNT
OF THE
Discipline and Jurisdiction
OF THE
CHURCH OF ENGLAND.

S H E W I N G

- I. The *Nature* of the *Christian Church*, as a Society endowed with Fundamental Rights, to preserve its own Being.
- II. A *Defense* of our *Reformation* and the Two distinguishing Principles of it, the Superiority of Bishops, and the Supremacy of Kings.
- III. The *Affection* of King JAMES I. and King CHARLES I. to our Church and Clergy. And the Conduct of Archbishop Bancroft, and Archbishop Laud defended.
- IV. Of *Ecclesiastical Courts*. An Attempt to Support the Legal Constitution of them, and to promote the Peace of the Church under the constant Protection of King and Parliament.
- V. *Ecclesiastical Synods*, and Parliamentary Convocations; justly Vindicated from the Misrepresentations of Dr. ATTERBURY late Bishop of Rochester.

By WHITE KENNETT, D.D.
late Bishop of Peterborough.

The SECOND EDITION.

L O N D O N :

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T O T H E
Most Reverend Father in God,
T H O M A S

By Divine Providence

Lord Archbishop of *CANTERBURY*,
Primate of All *ENGLAND*, and
Metropolitan, &c.

May it please Your Grace !

HOWEVER Natural it may be to *Offer* to Your
Grace the first View of such Discourses as
concern the Government and Peace of the *Church* :
Yet to *Force This* upon You, would favour too
much of *Presumption* or *Design*. To avoid these
Imputations, I humbly Requested and Obtain'd
Your *Grace's Leave*, to prefix Your *Name* to this
Dissertation ; Not presuming to surprize You
(as did the Author of the Book I examin) with
an unexpected Address. And yet had I taken
the same Freedom, I cannot but think, it would
have been somewhat more Pardonable in Me,
who can the more Decently appear before Your
Grace, because I have taken Care to express upon
this

The DEDICATION.

this Subject a due Respect and Reverence to the *Governors in Church and State* : Such as is suitable to the Christian Religion, and my Particular Function. And I can *Offer* it too with the more Becoming Assurance, because the Reports and Authorities in It are not the Fruits of Other Men's Collections, but the Immediate Effect of my own Searches into Registers and Records.

I crave Leave to Add, that how much soever I am convinc'd of the *Truth* and *Expediency* of the Doctrin I maintain : Yet I do not (like One that is gone before Me) *Imperiously Summon* Your Grace, or my Lords the Bishops, to an immediate *Compliance*, upon Pain of being Pronounc'd the *Betrayers of the Church*. No ! I humbly submit the Subject and my Reasonings on it to the Wisdom and Judgment of my Superiors, with that Modesty, Humility, and Duty, which becomes

Your GRACE's

Most Humble and

Obedient Servant,

*St. Botolph Aldgate,
Feb. 8. 1700.*

WHITE KENNETT.

THE PREFACE.

WHEN a Book of the Rights, Powers, and Privileges of an English Convocation, was publish'd this last Summer: I Receiv'd it, and Read it, with some Kindness to the Subject, and some Opinion of the then unknown Author: For I saw a great Shew of Historical Readings, and a good Appearance of Zeal for the Church of England: And these Two Reasons would have made Me even Partial on that Side, out of pure Love to Antiquities, and constant Affection to our Reformed Establish'd Church. But when I Read Books of that Kind, it is often my way to Enquire and Examine and Collate the Authorities and Conjectures in them, more to satisfy a private Curiosity, than to set up for a Censurer of Other Men.

Upon the Review of that Book, compar'd with some few Collections of my Own, and with the Best of my Understanding, I grew sensible, that the Historical Part of the Argument was very falsely Represented; and that the Zeal for our Church was indeed without any Knowledge in the Constitution of it. By Occasional Prosecuting these Thoughts, I perceiv'd the Merits of the Cause would lie, in great Measure, in separating the Rights of Primitive Ecclesiastical Synods, from those of Later Parliamentary Convocations. And I was more and more convinc'd, that that Author had not stated the Difference between them; and therefore could not make Himself or Others understand the true Nature of them.

However, I was inclin'd to let my Discoveries have been at the Service of the Writer, and through his Hands only, at the Service of the World. With that Trade in Old Matters ought to be of a Communicative Temper, and to impart all the little Notices we can to One Another. When therefore (after some Civilities Exchang'd) I heard that Mr. A. was designing a more Correct Edition of his State of Convocations, I was labouring to supply Him with some Amendments and Additions, that he might have Used, or Rejected at his own Discretion. It is indeed Natural for Us to expect a little Application, or Acceptance at least of any good Office presumedly intended. But supposing no Neglect, I did believe, that without any little Assistances of Mine,
Mr. A.

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Mr. A. had so many Other more able Friends, and was taking so many better Opportunities of satisfying Himself, that I did Conclude, his Second Edition would make it a more Accurate and Useful Work. For I knew the Author to be a Man of Good Parts, and a sharp Pen, and a wonderful Sagacity in Faults and Imperfections.

But when (about Two Months ago) I came to run over his Additions to the Preface, to the Body of the Book, to the Appendix, and after All, his Addenda, to supply and complete the New Edition: I found, that it was not only one of the most Disjoynted Pieces, which I ever yet saw, but still the most Imperfect. For I observ'd with surprize, that He had made very few Corrections of his most Material Errors: And those which he dar'd not Repeat, He had Corrected in such a Clandestine Manner, that the very Amendment was more Deceit upon the Reader, than the Fault it self. For tho' he had profess'd to the World, that all the Alterations of Moment were printed together in separate Sheets, I found them not so. I found very considerable Alterations, not in a few Words only, as he would Excuse it, but in Sense of History and Law so Notorious, that I could not but bring some of them together, to confront the Author, or at least Themselves. I have put a Specimen into the Appendix, for an Appeal to those who have his Two Editions, and for a Help to those who have but One of them.

I found also, that He was so far from Repenting of the Liberty and Rudeness with which He had treated his Brethren and his Fathers, That he confirm'd his Personal Reflexions, and improv'd them, and perfectly Insulted more and more. Nay, and when He perceiv'd his former Strictures to be downright Slanders; yet there He turn'd 'em with such an Air of Illusion, that I profess, I never saw such Artifices in Writing. He has done so in several Instances by my Lord Bishop of Sarum, by Dr. Wake, by Mr. Archdeacon Nicholson, by the Author of Occasional Thoughts on a Convocation, &c.

I perceiv'd farther, that he had made his whole Subject in effect New, under the pretence of enlarging his former Volume. For the main of his Subject was the Præmunientes Call to Parliament under Ed. I. and the Submission of the Clergy under Hen. VIII. But he has intirely chang'd the State of both these Controversies.

As to the Præmunientes Clause, in his First Book, he fairly dropt the practice of it, about the Times of Reformation, and offer'd not a Syllable for restoring the Execution of it in our present Age. But in the Second Book, He brings down the Practice through all the Reigns, from the time of Submission under Hen. VIII. till some Years after the Restoration of Charles II.

(Ad

The P R E F A C E. v

(Addend. p. 88.) and then urges upon our present Bishops the Renewing the Execution of it, with so much Importunity and Hardness of Language, that their Lordships must at least conclude; If the Præmunientes Clause was so fully Executed even since the Restoration of King Charles II. then He let them be before Misinform'd, by stopping it under Hen. VIII. And if it be Now so much their Lordships Duty to Execute that Clause; He did not do well before, not to give a Word of Advice about it.

As to the Submission under Henry the Eighth, He gives a New and Large Account of it. He retracts all his former History of the Act of 25 Hen. VIII. and Builds All upon another Scheme. Yet he pursues the Interpretation of the Act with such Distinctions and Evasions, as do not only evacuate the design of that Law, and perhaps destroy all our Ecclesiastical Courts, but do apparently contradict the Judgment of all our Lawyers, Civilians and Divines, that have ever toucht upon that Matter: Whose Opinions he Despises and Refutes with an insolent Scorn. But he forgot to fall upon Bishop Sanderson for this Declaration of His so agreeable to that of many Others. The Inferior Clergy by their Representatives in Convocation, have their Votes as well as the Bishops, and Both dependently on the King. For they cannot either MEET without his WRIT, or TREAT without his COM-

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COMMISSION, or ESTABLISH without his Royal ASSENT. (*Bishop Sanderson's Episcopacy not prejudicial to Royal Power, . p. 33.*)

When I saw these and many other Instances of Disingenuity and Dangerous Errors: I thought really it would be a Reproach to the English Church and Nation, if such a Book were judg'd to be the Sense of the Clergy, or of any other serious Men of Letters.

I am sensible, that Dr. Wake is indebted somewhat in Justice to Himself and the World, to set the Argument in a more Full and Perfect Light; and I have reason to think, that he will shew Himself an Absolute Master of this Subject, and can supersede the Attempts of any other Writer. But 'tis possible, the Doctor may resolve to be so Industrious in his Searches, and so Elaborate in the Digesting of them, that his Nobler Design cannot be soon finish'd: And in the meantime, the World may run away with a Prejudice, which cannot be too early Remov'd.

For that Reason, I have drawn up in Haste, and yet with Caution, a sort of Specimen, of what I shall Myself more fully prosecute, unless I am quickly discharg'd from these Obligations to Charity and Justice, by the speedy Edition of Dr. Wake's more Complete Work, which the World has a Title to Expect, and the Author has Spirit to Perform.

Mr.

The P R E F A C E: vii

Mr. A. has been so Wise, as to Object against all Countenance or Assistance to be given to Dr. Wake upon this Argument, especially by Divines. It does not become Clergy-Men to help—Leave that dirty Work to be done by the Profess'd Enemies of Religion, and the Order, but let not the Hands of Levi be Employ'd in it. (Pref. p. xxviii.) It is indeed a Dirty Work to rake into some Authors: But if to Assert the Rights of Christianity, to defend the Legal Constitution of our English Church, to vindicate Episcopacy, and wipe off the Aspersions cast upon our Present Bishops, to consult the Interest of the Inferior Clergy, and do justice to many Injur'd Divines; To intercede for the Authority of our Articles and Canons, and to Establish our Liturgy above the Cavils of Popery and Enthusiasm: If this be a Dirty Work, Mr. A. indeed has wash'd his Hands of it; But I have the Conscience and the Comfort to be Employ'd in it.

*It was very hard, that every Man who dislik'd the Heats and the New Notions of Mr. A. was immediately represented, as a Betrayer of the Church, and an Enemy to Convocations. I can Answer to God, and Appeal to the World, that I would sooner betray my Own Life, than the Church of England. And I have been so far from being an Enemy to Convocations, that I have spoke for them, I have written for them,
I have*

viii The P R E E A C E.

I have done all that is possible in my little Station to Preserve their Continuance, and to Assert their Privileges. And I would not have been an Adversary to Mr. A. if I had not verily believ'd Him to be so to Convocations and the Clergy of 'em.

For I can assure Mr. A. in his own Words, that here is not the least Mixture of private Prejudice or Resentment: For I have no Quarrel with Him but on a Publick Account. Perhaps He may give it out, that I am put upon this Drudgery, as a Creature of Dr. Wake's, to interpose and make Apologies for Him. But whatever Personal Respects I have (as I think I ought) for that Good and Great Man; yet I deserve no Friendship, if I would prostitute my own Judgment to serve any Friend. That I have spent so many Lines in the Occasional Vindication of Dr. Wake, and his Writings on this Argument, is not to do him Favour, nor so much to do Him Justice, as to do it to the World, who have been highly prejudic'd on little or no Grounds, by the meer Popular Discourse of a pert and designing Writer.

If it be otherwise Objected, as Mr. A. has already prepar'd the Objection, Pref. p. xxxviii. That I am One of the Engines to be play'd by a sort of Men that stand behind the Curtain. Let him charitably know, that I am no such Tool, or Play-thing as he wittily imagins. I can scarce think so ill of our Superiors, as to believe his Account of their
Hypo-

The P R E F A C E. ix

Hypocrisie and Baseness, that they will speak us fair to our Faces, and applaud our great Temper Moderation and Prudence, but can hardly keep their own Countenances while they are doing it. I am a perfect Stranger to Courts, and will be ever so, if this be the true Character of 'em. Yet whoever bears any Relation to such a Place, if he can bring no Sincerity from it, he may at least bring some good Manners.

I perceive it will be impossible to avoid the Censures of Mr. A. that I am a Little Writer, Officious, or Mercenary, or Ignorant, or somewhat else Mean and Odious. I am concern'd for nothing but my Integrity, and upon that Account alone, I make a Solemn Protestation, that my Motives of Writing were chiefly these:

To reprove that deriding and insulting way of Raillery and Wrath, that wounds Religion; and does but weaken that Church, whose Priests shall so attempt to vindicate her Rights and Powers.

To assert the Nature of the Christian Church, as a Society endow'd with Fundamental Rights, to preserve its own Being: And among these, a Right for the Governors to assemble and agree upon the common Measures of Faith and Unity; as at first independent on the Heathen, so even now on the Christian Magistrate; when the Necessities of Desertion and Persecution so require. A Right that Mr. A. has silently dropt, and virtually deny'd.

To

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To maintain the Essential Difference between a Church and a State, and between Synods and Civil Assemblies. A Distinction, which Mr. A. has took away by his Notion of Mixt Councils, of Clergy and Laity equally conven'd for Canons and for Statutes.

To defend our Reformation and the two distinguishing Principles of it, the Superiority of Bishops, and the Supremacy of Kings: For both which our Conformable Divines have been continual Advocates, and ought still to be so.

To assert the Excellence of English Monarchy, and the Form of Regal Government, against the many Republican Principles delivered now by Mr. A. and never before by any Divine of the Church of England.

To restore Innocence and Honour to the Characters of King James I. and King Charles I. whom Mr. A. has made Oppressors and Invaders of Ecclesiastical Rights: When they suffer'd, One to harsh Censure, and the other to Death it self, for their Affection to our Church and Clergy.

To satisfy the World, that Archbishop Bancroft and Archbishop Laud were thought High enough for the Church of England; and did not help to enslave Her to the Civil Powers, as Mr. A. does too freely suggest.

To

To make a Just and Modest Plea for the King's Most Excellent Majesty, and his Government of these Realms : And to wipe off those foul Imputations that Mr. A. has cast upon the late Disuse (as he pretends) of Convocations.

To vindicate the Honour and Justice of those Ministers of State, who have been in the chief Administration of Affairs ; and to shew They did not drop the Provincial Writs, as Mr. A. does falsely suggest.

To keep up the Reverence due to our Archbishops and Bishops, and not suffer them to be represented, as Aiming or Conniving at the Ruin of the Church.

To consult the Interest and Security of our Inferior Clergy ; and not to expose 'em to Dangers and Difficulties, by a necessary Attendance upon a Parliament, when they shall only attend ; Or by a needless Emulation between Spiritual and Temporal Commons, that must be of pernicious Consequence to the weaker Side.

To pay a just Respect to the Civilians, the Judges and Advocates, &c. in our Spiritual Courts ; to relieve their Oracles, Athon, Lyndwood, Cousins, Cowell, Zouch, &c. from those Slights and Aspersions, that Mr. A. has thrown upon them ; Nay, and

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to support the legal Constitution of their Courts, to which Mr. A. has been very Injurious in his new way of expounding the Statute of 25 H. 8.

In a Word, To promote the Peace of our Mother Church, by the King and Parliament's constant Protection of Her: And to request my Brethren, not to set up for Independence, and another fatal Separation; which None but our Enemies can Project, or Wish.

My Designs are no worse, and therefore I fear no Ill Treatment for 'em. As to Mr. Atterbury, He and I may rest content, that our Superiors will not espouse a Cause without full Satisfaction in it; and much less will They bear down us Little Men, or shew any Indignation at Us, if we write contrary to their first Sense of Things; and therefore I dare not subscribe to his Murmurs and Complaints

I am not Ignorant, what Menaces have been given out, nor what Measures have been actually taken towards crushing Me and this Work; but do not find my Resolutions in the least shaken on that Account.

When

WHEN Christianity began, the Principles were Unity, Love, and Peace ; but the Converts brought *Humane Infirmities* with them into the Communion of the First Church ; and were disposed many of 'em to Envy and Strife ; especially in Matters of *Privilege* and *Power*. Men gave way to Interest and Passion ; so as the very Disciples could *dispute, who should be the greatest*. This Pride and Perverseness, has disturb'd the peace of the whole Christian World ; Hence all *Schisms* and *Divisions* have chiefly sprung : The *People* have pretended to be equal to their *Priests* ; the *Priests* have aspir'd to be co-ordinate with their *Bishops* : And even some *Bishops* have Usurp'd a pre-eminence above *Kings* and *Princes*.

Unhappy
Disputes
for Superiority in
the Primitive
Church.

To apply this to *Our Selves* ; There has scarce been any one Age, since *Religion* was Establish'd amongst us, but that some *Disputes* for Precedence and Authority, have been still thrown in to disturb the *Government*, and divide the *People*. From the *Conquest* to the *Reformation*, the Rights of *Investiture*, the *Exemption* of Clerks, the *Protection* of Sanctuaries, the *Cognizance* of Civil Causes in Courts Christian, and other like pretences of a *Church* wholly Independent on the *State*, have exercised Successive Times,

And in
this
Church
and Na-
tion.

and brought Infinite Scandal and Trouble to our *English Nation*.

Yet our
English
Clergy
have kept
to the
Principles
of their
Reforma-
tion.

But since the Happy *Reformation*, our Clergy have all along asserted the *Principles* on which it was Founded ; and have offer'd at no pretence of casting off the *King's Supremacy*, nor of making a Legislative Body, distinct from all Civil Power. The *Papists* indeed were Claiming such Imaginary Rights to their *Catholic Church* ; And some of the *Puritans* were Usurping the like Authorities : But the true Sons of our *Establish'd Church*, were distinguish'd always from both these *Parties*, by being justly content with their pure *Spiritual Rights*, Administration of Orders, Sacraments, Censures, and other Divine Offices, peculiar to *Them*, and not Communicable to the *Civil Magistrate*. But as for the *Externals* of Ecclesiastical Policy ; they evermore acknowledg'd, that they could not meet in any *Synod* without *Royal Summons*, nor fall to any Methods of *Debate*, without *Licence*, nor execute their *Acts* without a like *Confirmation*. To this Effect are the *Statutes* of the Realm, the *Injunctions* of our Princes, the *Articles* and *Canons* of our Church, the *Use* and *Practice* of our Convocations, and the *Writings* of all our Learned Men ; a *Consent*, for which, we have been upbraided by our *Adversaries*, but never till Now reproach'd by our *Friends* and *Brethren*.

Till of
late some
Innova-
tors.
First the
Author of
a Letter
to a Con-
vocation-
Man.

The First of these *Innovators* is the Author of *A Letter to a Convocation Man, Concerning the Rights, Powers, and Privileges of that Body*. Publish'd in a Quarto Pamphlet, London, 1696. He begins with *Plain English*, as he calls it, *That if ever there was need of a Convocation since Christianity*

stianity was Establish'd in these Kingdoms, there is need of one now. And because he thought there was such need of it, he goes on, Secondly, To prove that their Assembling, Conferring, or Resolving does not depend on the Absolute free pleasure of the Prince; but tho' the King be intrusted with the formal part of Summoning and Convening, yet by the very Essence and Constitution of our Church, a Convocation ought to Sit, Meet, and Act, and by Law and Custom must Assemble and Confer in time of Parliament: And Thirdly, he concludes that Canons fram'd by the King and Convocation, have a full Force and Validity, and need no Confirmation by the Parliament, provided they do not impugn Common Law, Statutes, Customs, or Prerogative.

Consider the *Timing* of this Pamphlet, and you may better guess, whether Zeal for the Church, or some other ferment, mov'd this Writer's Pen. But we must first go back to the Latter end of the *Last Reign*, when our Bishops and Clergy being sadly sensible, that the *Papists* hop'd to compass their Designs, by dividing of *Protestants*, began to apply friendly to their *Dissenting Brethren*, and to invite them with more tenderness into the Bosom of the Church. They offer'd at some Healing Methods; and to testify their sincerity in it, they made a publick *Declaration* to the King, that they were willing to come to such a temper. But as *that Prince*, considering his designs, had no reason to desire it; so his unhappy Reign gave no Leisure to Effect it. When the Revolution fav'd all our Rights and Liberties, and a *Wise Prince* became a true Defender of the Faith, and sure Protector of this Church and

The timing of that Pamphlet to be considered.

Unity the Interest of Protestants.

See the Petition to K. James, for which the A. B. and Six Bishops were sent to the Tower.

This Uni-
ty the de-
fire of A.B.
Bishops
and Cler-
gy.

Nation ; every Body then remembred, how the A. B. of *Canterbury*, and other Prelates, with many of the most Eminent of the Clergy, (especially of *London*) had been engag'd in some Amicable Designs ; nor could they imagine, such a Disposition to Peace and Charity in Men of those excellent Spirits was *serv'ing* a time or an *occasion* only ; but was a settled Principle, that would exert it self upon all fairer opportunities of Unity and Concord.

And the
good De-
sign of
their Ma-
jesties.

Upon this juncture, their Majesties in the First Year of their Reign did Commission a sufficient number of *Divines*, to prepare for a *Convocation* such Improvements and Alterations in our *Liturgy*, and *Canons*, as they should judge expedient for the Edification and good Government of the Church, and for the satisfying the more reasonable Dissenters.

Their
Majesties
Commis-
sion to
that and
other
pious
Ends.

The Ground of this their *Majesties* proceeding, together with their intention in it, and the particular Heads recommended to Consideration, are thus set forth in the Body of the Commission. Whereas the particular Forms of *Divine Worship*, and the Rights and Ceremonies appointed to be used therein, being things in their own Nature indifferent and alterable, and so acknowledg'd, It is but reasonable, that upon *Weighty* and *Important* Considerations, according to the various exigences of *Times* and *Occasions* ; such *Changes* and *Alterations* should be made therein, as to those that are in *Place* and *Authority* shall from time to time seem either necessary or expedient : And whereas the Book of *Canons* is fit to be reviewed and made more suitable to the State of the Church ; and whereas there are defects and abu-

les in the Ecclesiastical Courts and Jurisdictions, and particularly, there is not sufficient provision made for the Removing of scandalous Ministers, and for the Reforming of Manners either in Ministers or People: And whereas it is most fit, that there should be a strict Method prescrib'd for the Examination of such persons as desire to be admitted into Holy Orders both as to their Learning and Manners.

We therefore out of a Pious and Princely Care, for the good Order and Edification and Unity of the Church of England, committed to our Charge and Care, and for the reconciling as much as is possible, of all differences amongst our good Subjects, and to take away all occasions of the like for the future, have thought fit to Authorize and Empower, &c.

But in the mean time, an Opinion was industriously, (and as appears from the Commission very unjustly) propagated among the Clergy, that the design in hand, would in the Consequence overthrow the *Established Church*; and so upon the meeting of the *Convocation*, the Motion was warmly *opposed*, and thereupon their Majesties Gracious Intention unhappily *disappointed*.

Divers therefore having thus publicly declar'd their *Aversion* to the Scheme intended to be laid before them, without signifying their desire to enter upon any other Business; His Majesty had just reason to believe, that there was no Ecclesiastical business to be done, and so (according to the practice of King *Charles the II^d*. in the like case) he prorogued them regularly from time to time; thereby continuing them in a capacity and readiness to come

Some Prejudices unjustly taken.

The Convocation having nothing to do, were regularly prorogued

together upon any *new Exigency* ; but thinking it unreasonable to draw them from their respective Cures, upon a meer matter of *Form*.

Now what is there in all this Proceeding, that can justify so much Noise and Clamour against the present Management of Affairs? Or what Objections have they to alledge against the Clemency of our Governors in *Church and State* ?

Letter to
a Convo-
cation-
Man ex-
amin'd.

We will first examine the strength of their Leader, the *Letter-Writer to a Convocation Man*. He conceals his Name, and indeed it is most for his Honour to have it unknown ; yet he seems to give us some Marks and Tokens of his *Profession*, and of his *Quality*. He says, *He hath Law enough to be useful to his Neighbours where he lives, and to serve his Country in Parliament*, p. 28. He hath *seen a Book of Entries in the Temple*, p. 34. and he talks familiarly of things done within the Parliament Doors, p. 46. And yet all this may be only to puzzle and amaze.

The Au-
thor seems
to be not
a Lawyer.

Is this *Writer of the Law* ? How is it possible ? Does he once seem to understand the distinction of a *Provincial Synod*, and a *Parliamentary Convocation*, upon which the whole Controversy Turns ? Does he not confound them, and make as if they ever were the same ? Does the man understand the Date or the Sense of *Magna Charta*, while he Expounds *Ecclesia Anglicana sit Libera*, the Church of England must have frequent *Convocations* ? When at the Grant of that Charter, there was no Custom for *Provincial Councils*, and no Being of *Parliamentary Summons of the inferior Clergy*. Does he know the Interpretation of Acts of Par-

Parliament? Why then does he assert, that the *Statute of the 2 Hen. 4. cap. 15. did first enable the Ordinary of the Diocess to Convict for Heresie?* And that before that Statute, every Person was to be Convict by a Provincial, if not a National Synod, p. 36. False by all our Records, and by the very Words of that Statute. Does he rightly expound the Statute of 8 Hen. 6. cap. 1. when he urges it for an Argument, *That the King, the great Men, and the Commons, esteem'd a Convocation to be an Assembly frequently, and of necessity, to meet, and Sit too and Act?* When there is not a Syllable of Meeting, or Sitting, or Acting, but only of being called to the Convocation; and when the whole Statute was meant of a Parliamentary Convocation of the Clergy for Civil Rights, not of a strict Provincial Council for matters of Religion? Does he apprehend the Sense of 20 Hen. 6. cap. 13th, while he makes it a wise Observation of Coke, *that before that Act a Disme granted by the Clergy, at the Convocation, did not bind the Clergy till the King's Royal Assent was had?* When did it bind? Neither before, nor after? Ridiculous to suppose a subsidy to the King could bind without his own Acceptance. Indeed before that Statute, and sometime after, a Tax granted by the Clergy in Convocation, and accepted by the King, did bind the Clergy, without any Confirmation by the *Lay Commons*; because all their Bills past by the King, with Assent of the Lords, were Valid Acts: And it was the Submission of the Clergy under Hen. 8. which first brought in the Practice of the Clergy's Subsidies being confirm'd by Act of Parliament. But is our pretended Lawyer more happy in

his Reading upon the Statute of Submission, 2 Hen. 8. cap. 19. where his Exposition is all Violence or Elusion? Does he know Reports, and the Resolution of Judges? Why then does he cite a Report under the Name of Noy, 2 Jac. 1. Where before many Noblemen, Arch-bishops and Bishops, and the Justices and Barons of the Exchequer, it was held and agreed that the King without Parliament (and by that they must mean in Convocation) may make Constitutions for the Government of the Clergy, p. 64. When yet the Case here of the King without Parliament does no more mean the King in Convocation, than an Injunction does mean a Canon. Is he better acquainted with any of his Law Books? Has he look'd into Rolls Abridgment? He Cites him for Prohibitions by the King's Writ to deal with nothing that concern'd the King's Power or Dignity, &c. p. 51. When those Prohibiting Forms were all sent to proper Provincial Councils, summon'd by spiritual Authority, to Consult, and Determine of Spiritual Matters only; and there was never one single Prohibition sent to a Parliamentary Convocation. Has he turn'd over any one Volume of Prynn, and why then doth he plainly pervert him? Pag. 45. Is he conversant with the Oracle of his Law, Sir Edward Coke? He seems to be so, for he saith the 12 Report is not of the greatest Authority, and that several Opinions contain'd in it are agreed not to be Law, p. 53. Yet better Law than most he quotes from him; Commonly to no better Purpose, than his bringing gravely forth the Childish Etymology of Coke, Parliament parler Ment, to speak their Mind, p. 47. From those and many other Instances, that might be given, it is plain

to me, that whatever our Author's Profession is, he is not a Lawyer. And yet possibly *he serves his Country in Parliament*: If we believe him, p. 28. If so, he is a very new and unexperienc'd Member; the House of Commons was never better fill'd with men of Abilities and Parts, of Studies and Learning, who perfectly understand the Constitution of the Kingdom, the Rights of their own Body, and the Liberties of all People. But this Writer is of another size, he is one who knows little of the upper House; he is positive, *the Bishops are call'd to Parliament, Not for Religion, but upon another Principle, viz. by reason of their Baronies*. If they are there purely by a Temporal Right, it is odd they should be call'd the *Lords Spiritual*, and make a *Third Estate in Parliament*. Let the History and the Nature of their Temporality be what it will, I am sure the Bishops were call'd to the *great Councils* or *Legislative Assemblies*, before they had any Baronies, and we thank God, they sit there still, now the Tenure of their Baronies is another thing. But perhaps, this our Member is concern'd only for his *Lower-House*, why then so bold with his Fellow Commons, as to tell them, *they have a standing Committee for Religion, yet nothing as he remembers, has since the Revolution been done by them in behalf of it*, p. 14. Has he told them this within Doors? Has he made a motion for their doing somewhat? Would no worthy Member Answer, that They have done much for *Security of Religion*, and even some things for the *Ease and Benefit* of the Clergy. But if they had really done *nothing*, *this Member* of all men should not reflect upon them;

Nor does
he seem a
Parlia-
ment Man.

for

for it is his *Principle*, they ought to do nothing in Religion. No ? such a method (of the Commons meddling in Religion) is in the nature of the thing improper ; and again, 'tis a little too much for the Country Gentlemen, Merchants, & Lawyers, they want Learning ; and elsewhere the ascribing such a Power to either of the Two Houses, or to both of them together, is to confirm the Grounds of the Papists Cavil at our Reformation, when they say, that our Religion is meerly Parliamentary, and changeable at the will of the Prince, and of the Majority of the Peers and Commons p. 14. 15. but surely, He can never be practised in Westminster-hall, nor in the adjoining Chappel, who can boldly advance the Notion that a Lawful Canon is the Law of the Kingdom, as well as an Act of Parliament, and as much a Law of the Kingdom, p. 21. and yet for the better Discipline of the Church, I wish the Canons of 1603, had been confirm'd by Parliament. And the next Canons and Constitutions we shall be allowed to make, when the King's Ratification has made them Laws ; yet we shall scarce think them so much Laws, as if the Parliament please to Enact them. I think our Writer Annuls the Act of Uniformity, and frustrates the Parliamentary Confirmation of our Articles and Liturgy, &c. while he says, Canons fram'd by the King in Convocation are of full force and validity, and need no Confirmation of, or by the Parliament, provided they do not impugn Common Law, Statutes, Customs, or Prerogative, p. 63. when the Proviso destroys the supposition. For sue a man upon a Canon in any Civil Court, and if you fix a Complaint or Action, see if Council and Judges will not tell you, that to restrain

English

English Liberty, or affect Civil Property, by virtue of any Canon, is in it self to impugn Common-Law, or Statutes, or Customs, or Prerogative. Even before the Reformation, no Ecclesiastical Canon or Constitution would be allow'd to be the Law of the Land; nor to bind any but Spiritual Persons, not the Temporality or Lay-Subject. This was always the Judgment of our Ancient Lawyers. See Year-Book 20 H. 6. f. 13. &c. Our Church Advocate goes on, and calls upon both Houses to be just enough to own, that a Convocation is as much a part of the Constitution, as a Parliament it self, p. 16. and as Essential to our Constitution, p. 21. He runs the parallel between the Liberties of the Church and those of the State, and undertakes that both of them must according to the Nature and Constitution of our English Government stand or fall together, p. 50. that is to say, because there has been an Act of Submission of the Clergy, so there ought to be of the Commons; and the Lower-House in Parliament should be as much restrain'd as that in Convocation: Which is to be not only a Court, and to have their Jurisdiction, but to be a Legislative Body, and to have the Power of making Ecclesiastical Laws, p. 40. and he ascribes to this Society the Church (i. e. representative in Convocation) an inherent and unalterable right to the Exercise of this power p. 20.

And yet he does not understand what an English Convocation is, he defines it an Ecclesiastical Court or Assembly Essential to our Constitution, and Establish'd by the Law of it, by the same Law as the Gentleman receives his Rent, or the Member enjoys his Privilege, a definition imperfect one way, false and superfluous another; He tries

He does not understand a Convocation.

at Defining again, p. 29. a Convocation is the Highest Ecclesiastical Court, or Assembly, Call'd and Conven'd, in Parliament-time, &c. not by our Law the Highest Court, for then there would be an Appeal of Causes and Persons from all other Ecclesiastical Courts to it, and no Appeal from that; nor is it true, that such a Convocation as he means, must be Call'd and Conven'd in Parliament-Time: the True Ecclesiastical Synod in the Cause of the King's Divorce, 32 Hen. 8. bore no Relation to the Parliament. Take the Convocation in their double Capacity, first as a Parliamentary Assembly, formerly a *Constitutum* part for their own Rights, now an *Attendant* (as one is pleas'd to call them) and this Convocation always began and ended with or near the whole Body of Parliament: But take the same Members as a proper *Provincial Council* or Synod, and the King's Writ may either Summon them before Parliament, or continue them after it, at his own Royal Will and Pleasure. If this distinction into a double capacity seems hard to our Author, (notwithstanding what the Learned Bishop *Stillington* has occasionally told him in his Visitation Charges) I shall endeavour to make it plain and easy in the Sequel of this Discourse.

In the mean time, why should this Writer have concern'd himself with *Convocations*, when he cannot recite to us the fundamental Clause of *Premunientes* in the Bishops Summons, without gross Ignorance, p. 27. and then Repeats a *Simple Exposition* on it, which is, That these *Procuratores Cleri* were call'd to Consent to those Things, which by the Common Council of the Realm should happen to be ordain'd, and therefore that there might be an Act of Parliament without them,

p. 38. Whereas the Consent of *Procuratores Cleri*, in things within their own proper Cognizance, *i. e.* Rights of the Church, and Liberties of the Clergy, was as necessary for any such Act in Ecclesiastical Matters; as the Consent of the Lay Commons was, in Acts of Civil and Temporal Affairs; and if there might be an Act of Parliament in this Latter Case, without Consent of the Clergy: So indeed there might be Acts or Statutes in the former Case, without Consent of the Lay Commons: For by the original State of the Clergy in Parliament, whatever Articles of Complaint, or Bills of Petition they presented, when referred to the Barons, and by their Advice and Consent, confirm'd or granted by the King, they became binding Laws without the Concurrence of the Lay Commons: And the like Petitions of the Commonalty, so presented and will'd by the King, were Laws independent on the lower House of Clergy. This is true History and Fact, tho' too remote for the Knowledge of this Writer.

As he does not rightly read, nor understand the *Præmunientes* or *Diocesan Writ*; so neither is he Master of any true Form of the *Provincial Writ*; for then he would not have given us such a faulty and senseless Copy of it, p. 41. and have made a Comment so forreign to the Meaning, and started a Question in Grammer so trifling, p. 43. Is he not very learned upon the Matter, when he saith, they (the Clergy in Convocation) *must have the King's Licence*, that is (to put a Latin Word into English) they *must have his Leave*, p. 56. Upon this great Observation, he does pronounce, *That a Leave*

in general, to make *Canons*, is given them by the very *Writ of Summons*, p. 57. When yet the same *Writ of Summons* was penn'd, without any reference to *Church Canons*; and no sort of *Canons* were ever made by Vertue of the *Writ*. No! Both the King's *Writs of Summons*, the *Diocesan Writ* to every *Bishop* with the Clause of *Pramunientes*; and the *Provincial Writ* to the *Arch-bishop*, were both to convene the *Clergy* upon a *Civil Account*, intentionally to give *Taxes*, and *Consequentially*, to present *Grievances*, and obtain *Redress* in time of *Parliament*, and as the *spiritual part* of *Parliament*. The *Writs* never design'd them, or made them an *Ecclesiastical Synod or Council*; they attempted no *Constitutions or Canons*; these *Spiritual Affairs* were debated and concluded in the *other Assemblies*, convened by the *Legates of the Pope*, or the *Arch-bishops of Canterbury* at any time, especially out of *Parliament*, consisting of much the same *Persons*, but summon'd by *Ecclesiastical Authority*, and so enabled to *Treat and Determine of Ecclesiastical Causes*, *Heresie*, *Censures*, *Doctrine* and *Discipline of the Church*. This *Distinction* shall be hereafter set in a better Light because the *Ignorance* of it has rais'd all the present *Quarrel*.

Injurious to the King's Prerogative and Supremacy.

But to return to our *Letter Writer*; who he has been so free with *Arch-bishops*, *Bishops* and *House of Commons*; it is good Manners in him to be thought no *Friend* to the *King*. He is indeed so *Insolent* and *Insufferable* in his pointed *Reflections* and *Innuendo's*, that to repeat them, for any other Reason, than to reprove them, would be *Libellous* and *Seditious*.

He

He acknowledges the King indeed as *supreme Head, over all Persons, and in all Causes*; but this Forsooth in *Contradiction to all forreign Powers and Jurisdictions only*, p. 29. whereas truly if the King must have a *Superior in Ecclesiastical Causes*, he had better have *him* at a distance in *Rome*, than at his Elbow here at Home. He goes on to incense the Clergy, that the King by restraining the Sessions and Actings of Convocation, has broke in upon the *Essence and Constitution of our Church, and the Fundamentals of our Government*, p. 35. Nay, to suggest the violating of his *Coronation Oath*, he produces the Form, he Comments upon the Clause, *will you preserve to the Bishops and Clergy of this Realm, and to the Churches committed to them, all such Rights and Priviledges, as by Law do, or shall appertain to them or any of them?* And concludes, as it were in Words at length, that the late Intermision of the Clergy's meeting, and debating, is a Breach of this solemn Faith; for, says he, *If the Church of England have any Rights or Priviledges, this of Assembling, Debating, and Consering, is certainly one, and the chief of them*, p. 62. He detracts most unjustly from his Majesties gracious Letter, or Directions to the *Arch-bishops and Bishops* for the preserving of unity in the Church, and the purity of the Christian Faith concerning the Holy Trinity, as if it had not only seem'd to countenance the Orthodox, but in some measure to quiet and depress the insolence of bold Innovators, p. 12. and yet must intimate a Report, (*i. e.* insinuate a Belief) that even that Letter it self has been broadly hinted by some of them, as intended in their favour.

Such

And even
inveighs
against his
Royal
Person:

Such a Bold Inveigher against the King's Supremacy, Prerogatives, and Actions, can he spare his Royal person? No; A Milton could not write of Crown'd Heads with more Irreverence and Spite; for Example, p. 22. *For his Majesties Good will, we do not, I say, will not in the least doubt of it. Tho' some would be thought to understand his Mind best and to be most in his Interests, are pleas'd in Companies to admire and celebrate a Prince of Religion as the best of Governors; for whose Sancy Insinuation we hope in time that Vengeance will find them; Yes, and him too— Had we no hold on his Majesty's Kindness and Affection towards the Religion Establish'd by Law yet should we not suspect his Compliance on the score of Justice, p. 22. Let men Whisper what they please, no Body shall ever persuade us, but that his Majesty's Judgment and Piety engage him to be present at our Service and Communion. And notwithstanding all the Contumely and Reproach of our Enemies, we cannot discover what Sect and Persuasion, there is among us, either so amiable as to steal his Inclinations from us, or so numerous and powerful, as to make it a piece of Policy not to Esouse us, p. 23. it cannot be worth any Prince's while to discourage the Church of England, p. 23. with many other direct Reproaches or suppositions, that make the Letter all over Libel. Rather an Iniquity to be punish'd by the Judge, than an Argument to be refuted by a Scholar; the old way was Information, and no other Answer: At least a Court should take Cognizance before the Press.*

When

When such a *Letter* as *This* came Abroad, and seem'd to dare the Publick Justice of the Nation ; it was natural for some of His Majesty's faithful Subjects and Friends, to lay it before Him ; and to point at those passages, which more immediately flew at his *Authority*, and his *Person*. If such a thing were indeed done, it could not but raise in His Majesty some Royal Indignation, to be so treated ; and it was Natural for *Him* to Enquire, whether *This* was the Sense and Spirit of the *Church of England*, or of some pretending *Party* in it ; to which the Answer might possibly be, That the *Principles* of that Book were contrary to the Profess'd *Doctrine* of the *Church of England*, and the *Ill Manners* of it as repugnant to the *Temper* of all her true Sons. If *this Assurance* might have satisfied a *Prince*, yet in Reason something more was to be done to satisfy the *World* ; and the Governors of our Church might think themselves obliged to take some care, for a more publick *Declaration* of the Loyalty and Obedience of their *Clergy*.

The *Letter* gave just Offence and Scandal.

Here might be an occasion to look out for some Learn'd and Sober Writer, to vindicate the Principles of our *Reformation*, and to prove, that the *Establishment* of our Church, was, is, and must be, with a Legal dependence on the Crown.

And made it proper to vindicate the Principles of the *Ch. of England*.

Upon this, Dr. *Wake* might well be induced to such a seasonable Attempt ; as a Man whose Education, Travels, Experience, and Figure in the World, had placed him in the view of his Superiors, and the esteem of All that knew him. He understood other Controversies, and had obtain'd Victories and Honour

Upon which occasion Dr. *Wake* undertook the Argument.

nour in them. Nor could he be a Stranger in this Dispute, when his Genius and Studies had lay much to History and Laws. However 'tis possible, he was not fond or forward to be an Author on this Subject; he came in, perhaps with *Obedience*, rather than with *Inclination*. But being obliged to Expedition, it was enough to state the *Matter* right, without a nice Examination of all the *Circumstances* of it: It was excusable, if he had been less accurate in a Word or Citation, because he was writing not an Elaborate *Treatise*, but an Occasional *Answer*. Where *Poison* is Administer'd, the *Antidote* must be call'd for in haste; and to bring it in a little disorder, is much better, than to tread with such exactness, as to give time for the *Venom* to be past expelling.

In a Book
Entitled,
The Authority of
Christian
Princes.

And therefore in a few Months, came forth a *Treatise*, Entitled, *The Authority of Christian Princes over their Ecclesiastical Synods asserted, with particular Respect to the Convocations of the Clergy of the Realm and Church of England. Occasioned by a late Pamphlet, Entitled, A Letter to a Convocation-Man, &c. By William Wake, D. D. and Chaplain in Ordinary to His Majesty, London, 1697.* In which Performance, the Author was so little conscious of any *Ill Meaning*, or any *Indirect Dealing*; that he attests the Work with his own Name at large, and inscribes it to the most Reverend the Lord Archbishop of *Canterbury*. This clear and ingenuous way of Dealing might have protected him from *Close* and *Conceal'd* Writers. His *Enemies*, if they thought it a Challenge, and must manfully accept of it, they ought to have appear'd with the like open Breasts, and

Faces

Faces bare ; not to have crept into Corners, and laid about them in the Dark.

At the first publication of this Book, I remember one little prejudice to it, that it was Wrote by a Divine, whereas the Argument requir'd an able Lawyer ; and the very Writer of the *Letter to a Convocation Man*, suggesting himself to be of that *Profession* ; there was the greater Equity, there should be the like *Council* of one side, as there had been of the other. Our most Learned *Divines* are least forward to step out of their own Function : But the *Government* of the Church, and the Stated *Discipline* of it, nay, the *Ecclesiastical Laws* of the Land, and the Boundaries of Supremacy and Subjection, are the Province of an *English Divine* : And Many of them of late years have more industriously pursu'd those Studies ; have searcht into Rights, Customs, Precedents, Statutes, and all our National Antiquities, to be able with Knowledge and Judgment to serve the *Church*, and the whole *Kingdom* ; and of this number, Dr. Wake might be justly reputed a considerable *One*. But however, if the Letter-Writing *Lawyer* must have one of his own *Robe* retain'd against him, such an *Advocate* did soon appear ; and made his Plea under this Title, *A Letter to a Member of Parliament, Occasioned by a Letter to a Convocation Man, concerning the Rights, Powers, and Privileges of that Body, &c.* London, 1697. 4to. This Author Trac'd his Adversary step by step, and resolv'd his *Three Questions* with more Law and Reason, than he had stated them ; by shewing first, *there was no such occasion at present for a Convocation* ; because the Ordinaay Jurisdiction

One prejudice to Dr. Wake's Book that it was wrote by a Divine.

Yet the Subject not Foreign to an English Divine.

Another Answer by a Lawyer.

diction of other Courts, the standing Supremacy of the King, and the Legislative Authority in Parliament, could abundantly provide for a redress of those Grievances, which in the *other's* Opinion call so loud for a Convocation. Then considering his Second Enquiry, *What Law there is that commands or permits, their Assembling, Conferring, or Resolving, as a Convocation, but the absolute free pleasure of the Prince?* Upon this he proves the Calling and Dissolving Ecclesiastical Assemblies to be a Right of the Crown; and that our present Convocations, can neither Assemble nor Debate without the King's leave; and that as well their Summons as Continuance or Dissolution, may be Independent on the Parliament. Lastly, He Repeats the other Question, *of what force and validity Canons fram'd by the King and Convocation are?* And exposes his bold Assertion, *that they need no Confirmation of or by the Parliament.* And all this with more strength and better Temper than his Adversaries. Tho' it must be confess'd, he has mistook some few Matters of Fact, and did not attend to the necessary distinction of Parliamentary Convocations, and Ecclesiastical Synods, upon which the Merits of the Cause do most depend. But it was no wonder a Gentleman, whose Profession and Practice might divert him to more near concerns, should be not so compleat a Master in these matters: His Antagonist had provided an Excuse for Us All, *because we live in an Age, when Convocations and the Learning that relates to them, are out of Fashion,* p. 28.

However, if that performance had been never so absolute, it was indeed *proper*, that in a Subject of this Nature, the *Church* should have spoke her own sense, by the Mouth of her own *Clergy*. Especially when *by that Letter*, they were brought under a suspicion of being discontented and designing Men, setting up for themselves under new pretences of Liberty and Power, neither Enjoy'd nor Claim'd in any former Reigns. It was the more seasonable Office for *D. Wake*, to plead the *Church's Cause*, and vindicate the *Clergy* from the Jealousies raised of them, that they seem'd weary of deliverance, and were starting aside to another Change.

This indeed was the more difficult attempt in *Dr. Wake*, because no Writer before him had profestly treated of those matters. And truly since our Church was Reformed, no Occasion had been given. No disputing, with the King's Supremacy among Church-Men, as by Law Establish'd from 25 *H. 8.* to 9 *W. 3.* for this reason, the Doctor had a better Title to civil Usage, because he was a *first Adventurer*, and made discoveries of a *World*, as it were, before unknown. He had a farther right to some Allowances, in that he own'd himself in *Haste*, and spoke modestly of what he had done, he offers it as a *rude and hasty Production* (Ep. Ded.) at most but an imperfect Essay, and the first Lines of a Draught; shews rather what he design'd, than what he was able in any tolerable manner to finish. Pref. p. 111. with many other Acknowledgments Ingenuous and Free: Not insulting his Adversary, nor catching at a Word for Triumph; but with a good easy Air, approving himself a Writer of some Breeding, and

Proper for some Clergyman to represent the Sense of the Church.

Dr. Wake the first Writer on this Argument.

His first
Adver-
sary, The
Author of
*Municipi-
um Eccle-
siasticum*.

Who
waves Hi-
story, and
resolves
All into
Original
Right.

And
therefore
condemns
the Act of
Submissi-
on.

some Conscience, for an Example to his An-
swerers or Accusers.

Of which the first was the Author of *Municipium Ecclesiasticum*, or the *Rights, Liberties, and Authorities of the Christian Church Asserted, Against all Oppressive Doctrines, and Constitutions, Occasioned by Dr. Wake's Book, &c.* 1697. 8vo. This Writer wisely meddles Little or nothing with our own *Laws and Constitutions*. His Business is to assert the *Divine Right of Synods in General*, Chap. 1. of their *Rights under the Supremacy of Civil Powers*, Chap. 11. and the *History Synods in the Three first Centuries*, Chap. v. vi. vii &c. As to the Usages or Customs of our own National or Provincial Synods, he wisely waves the state of them, and resolves all into *Original and Inherent power of the Church*; not to be restrain'd by any Human *Laws*. And therefore this plain Dealer is so far from qualifying or new glossing the *Act of Submission*, that he roundly condemns it, as contrary to his antecedent *Divine Right*. The very Title of his Book is against the *Act of Parliament*, as well as against *Dr. Wake*; he declares for the *Rights, Liberties, and Authorities of the Christian Church* (not only) against all *oppressive Doctrines* (but) and *Constitutions* (too) i. e. all Acts of the Clergies Submission, and the King's Supremacy; and all Articles or Canons declaratory of them. After this Sentence in the Title Page, he passes Judgment again in the Preface, and tells us, *The submission of the Clergy was procur'd by King Henry 8. to make himself absolute in Ecclesiasticals, nor could he have compass'd it, but thro' the Terror of a Premature, under which they had fallen, and upon which he*

was resolv'd to follow his Blow, and so to Bend, or Break them. He calls it again, an *Act of a Popish, unreform'd, and well nigh out-law'd Convocation*, extorted for fear of Ruin, and thro' Ignorance, &c. and to consecrate those *Precedents*, by our voluntary *Pleas and Acclamations*, is in Effect, to gratifie the Civil Power to an arbitrary almost, violate the most important Truths of Principles and Histories, treat the Synods of the Church with Spite and Contumely, and recommend the greatest slavery of her to the Appetite of Civil Powers. All this Attainder of the solemn *Act of Submission*, and thereby of the beginnings and progress of our whole Reformation, looks bold and daring in an *English Church-man*. However it is blunt and somewhat fair, because consistent with the Principle of a *Divine Right* to Councils and Synods of the Clergy, Independent on the Civil Powers, even after those Powers became Christian. Now, however hard this Doctrin does appear, and however contrary to the Judgment and Practice of the primitive Ages, and our Own; Yet if this Author believes it, he does honestly to assert it. This pleases the Men of another Communion, this agrees with the Beloved distance between the *Pontificate* and *Regale*. However, thus to pronounce an Act invalid, and in its own Nature void, is cleaner Work, than to mince it away, and distinguish it into Senses repugnant to the Words. The next Answerer to Dr. Wake should have took the same concise Method, of annulling the *Act of Submission*, and resolving all into antecedent Rights. Had he done so, his Project had been regular, and of a Piece, more easie for him to prosecute and defend. But while

This the more fair Dealing.

More ingenious for other Answerers to have took the same blunt way,

*Municipi-
um Eccle-
siasticum,
&c.* was
little to
our pre-
sent pur-
pose.

he Justifies the *Act*, and the very *Reasonableness* of it, yet nibbles at every Paragraph, and wou'd eat away the Obligation: This is not so clear and candid; It is double Dealing, at a Breath to defend a Law, and to condemn it. Our Author of *Municipium*, &c. was a blunter Man, and arraign'd the fundamental *Laws* of the *Land*, as derogatory to the *Laws* of *Christ*. This, in a Method somewhat intricate and confused, he endeavours to prove, from *Natural Religion*, *Mystick Religion*, *Scripture*, and *Primitive Church*; But as to our own Legal Constitution, he scarce touches on it, but where he takes occasion to Accuse it, or Condemn it. It is true, he undertakes, that as to *different States of the Church*, and *legal Rights*, God willing, he will Discourse more fully and particularly in his *Second design'd Part*, p. 166. which we now suddenly expect; but shall receive perhaps with no mighty Satisfaction. For let this Author be never so much addicted to Notions and peculiar Modes of Thought, and be a little conversant with Fathers and Councils; Yet I believe, his Talent doth not lie in our History and Laws. Want of Business has been the unhappy Occasion of some Mens Writing. Our Author is now prefer'd to the Government of a Country School, which may fully take up his Thoughts and Time.

Dr. Wake's
Appeal.

Dr. Wake from hence took occasion to draw up a very proper and useful Tract, which he publish'd under this Title, *An Appeal to all the true Members of the Church of England, in Behalf of the King's Ecclesiastical Supremacy, as by Law Establish'd, by our Convocations approv'd, and by our most eminent Bishops and Clergy Men, sta-*

ted and defended, against both the Popish and Fanatical Opposers of it, Lond. 1698. 8vo. with the Author's Name set honestly in the Front of the Book, and another express Dedication to the Lord Archbishop of Canterbury; Promising his Grace, That he will here see, what that true Agreement is between the Priesthood and Empire, which our Laws have Establish'd, our Con- Account of the Preface.
 vocations approv'd of, and our greatest Clergy Men hitherto defended, without the Censure of any but the profest Enemies of our Church and Constitution; till now a new sort of Disciplinarians are risen up from within our selves, &c. In the Preface he truly asserts, that the Prince's Authority was both the Means, by which the Reformation was carried on, and the Ground, on which we justified our Selves in the doing of it; and that at first, none but the Papists complain'd of what we did in restoring the Prince to his antient and undoubted Right; till sometime after, another Party began to set up themselves, and to claim the same Power in behalf of their Kirk, that the Romans had pretended in right of their Pope and Church: But that against both these our Bishops and Clergy continu'd firm and constant, and were by all impartial Judges, allow'd to be as much Superior to 'em both in their Arguments, as they were in the Justice of the Cause which they maintain'd, p. 111. But it seems the Case is very much alter'd now: And it is of a sudden become an Encroachment, not to be endured by our new Church Patriots, for the King to pretend to lay any restraint upon their Assemblies, &c. Then representing the manner in which, the Writer of *Municipium*, &c. had deliver'd his Sense, and correcting some of his Mistakes, and advising him to a decent Method of Reply:

Argu-
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the Book.

ply: He appeals to our Laws, Articles, Canons, Bishops and Clergy, for the plain Sense of our Reform'd Church, in the Doctrin of the King's Supremacy. He begins with the Stat. 25 H. 8. cap. 19. call'd the *Act of Submission*, abolish'd by Queen Mary, and reviv'd by Queen Elizabeth, in an *Act restoring to the Crown the antient Jurisdiction over the Estate Ecclesiastical and Spiritual*, &c. p. 4. He goes on to the Statutes, 28 H. 8. cap. 10. 35 H. 8. cap. 1. and 1 Eliz. cap. 1. prescribing the Oaths of Supremacy, &c. p. 7. Hence to the 39 Articles, of which the 37th relates to the Civil Magistrate, and asserts a supreme Government of all Estates, and in all Causes, p. 11. So on to the *Canons* made in Convocation, 1603. of which the very first is design'd to assert the supreme Authority of the King's Majesty over the Church of England, and the very next Canon is to excommunicate those who impeach any part of the regal Supremacy. Again Canon 139. affirms the assembling of Synods, to be by the King's Authority: And Canon 140. acknowledges the necessity of his Licence, both for the making and ratifying of her Decrees in Causes Ecclesiastical: and Canon 141. Censures such, as shall upon this Account undervalue the Acts of our Synods. From the Doctrin of our Church, he proceeds to the Testimonies of our most learned Divines; he begins with the publick Declaration made by King Henry himself against the Council of *Man-ana*, by advice of his Bishops and Clergy, An. 1537. p. 28. and another Protestation to the like effect, An. 1539. p. 29. He then refers even to Popish Bishops, and alledges a Letter

of *Tonstal* and *Stokesly* to Cardinal *Pool*, in which the Authority of the Christian Prince over the Convocations of his Clergy is fully asserted, p. 39. He comes down to the Reign of *Q. Elizabeth*. He refers to the *Act for restoring to the Crown the State Ecclesiastical*, and framing an *Oath of Supremacy* in pursuance of it. Then he recites that part of the *Queen's Injunctions*, in the same first Year of her Reign, for all Ecclesiastical Persons to keep and observe — all and singular Laws and Statutes so made, &c. p. 36. This confirm'd by the Judgment of all the Bishops, who being met together, agreed upon certain *Articles* to be sent to their Clergy, in the 7th of which they requir'd them to acknowledge the Queen's Prerogative, and Superiority of Government of all Estates, as well Ecclesiastical as Temporal, &c. p. 32. He goes on to the Bishops and Clergy of that Reign, singly, and in their own distinct Writings. He begins with Arch-Bishop *Whitgift*, p. 34. *Bancroft* that prov'd his Successor, p. 37. *Jewel*, Bishop of *Salisbury*, p. 40 and *Bilson* Bishop of *Winchester*, p. 42. Dr. *Nowel* Dean of *St. Paul's*, p. 44. and Mr. *Hooker*, p. 49. This brings him to the Reign of *K. James I.* He begins with the *King* himself, and the several Passages in his Royal Works, p. 53. He sums up the Defence of the same Cause of Supremacy, by Bishop *Andrews*, p. 56. and the learned Mr. *Mason* in his Vindication of the re-form'd Church and Ministry of *England*, p. 69. He pursues the History of the King's Supremacy thro' the Reign of *K. Charles I.* He produces that Prince's *Declaration*, prefix'd to the *Articles of Religion*, when reprint-

ed,

ed, 1628. made with the Advice of so many of the Bishops as might conveniently be call'd together, p. 72. He appeals next to Arch bishop *Laud*, all the other Bishops, and the whole Convocation in their *Canons*, 1640. in which the very first is concerning the Regal Power—a Supremacy given by God himself to Kings—a Power to call and dissolve Councils both National and Provincial—this the true Right of all Christian Kings, &c. and the 8th Canon did oblige all Preachers—twice in the Year at the least—to instruct the People that they ought willingly to submit themselves unto the Authority and Government of the Church, as it is now Established under the King's Majesty, p. 80. He subjoyns the Judgment of Arch bishop *Bramhall*, p. 82. of Bishop *Davenant*, p. 85. and of Dr. *Heylyn*, p. 87. After this he enquires, How the same Doctrine continued to be receiv'd after the Restauration of K. *Charles II.* He refers to the *Parliament* in their Statutes, 13 *Car. 2. cap. xii.* for explanation of the Act 17 *Car. 2. cap. xi.* p. 92. and to the Convocation in their review of the Liturgy, &c. p. 93. then appeals to particular Writers of this Reign, to Bishop *Taylor*, p. 94. even to Bishop *Parker*, p. 98. to Dr. *Falkner*, p. 102. and then closes up his Collection with the learned and accurate Dr. *Barrow*, p. 106. with marginal References to many more Authors. And at the end of all he draws up some Inferences of the King's supreme Power, as declar'd by the foregoing Testimonies. This now was a Method clear and convincing to the true Members of our own Church; who could desire no better Authority for a Doctrine, than the unanimous

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Voice of Parliaments, Convocations, Princes, in their Acts, Canons, Articles, Injunctions, and Declarations ; confirm'd *All* by the concurrent Opinion of our reform'd Arch-bishops, Bishops, and most eminent Divines. Matters of Notion and bare speculative Points, are liable to alternate Disputes for ever : but matters of Fact and express Authorities, are an Evidence of Proof and Demonstration, I mean as to the Principles and Doctrin of any Church. If any Answerer would have deny'd the Force and conclusive Argument of this *Appeal*, I think he had found but two Methods to refute it ; *One* to prove a Falshood in the Citations, and a wrong turn in the Application of them ; *Another* to represent it a Moot Case, and to produce as much Evidence on this side, as had been given on that. Either of these ways had took off from the Reputation and Design of *Dr. Wake* and his *Appeal*. And had it been possible to have took *either way*, we may presume the advantage had not been spar'd. But no evasion could be found out, and so no direct Answer has been or ever can be given. It must stand a Monument of the universal Consent of our Church, and indeed of the Infamy of those who depart from this *Consent*, and advance Principles, and pretend to Practices *New* to every Age, but that wherein we live.

I should observe, that a grave and serious Writer appear'd an Advocate for the Civil Powers, and for the Assertor of their Legal Rights, *Dr. Wake*, in a small Tract entitled, *A Brief Enquiry into the Ground Authority and Rights of Ecclesiastical Synods, upon the Principles of Scripture and right Reason, occasion'd by a late* *Book*

But two
Methods
to refute
this *Ap-
peal*.

Neither
of these
Methods
yet taken.

Author of
a *Brief
Enquiry.*
See

Book entitled, Municipium Ecclesiasticum, &c. Lond. 8vo. 1699. the Author in his Preface declares, That if the Historical Account, which Dr. Wake has given of this Matter be defective it ought to be shewn, either that his Quotations are false, or else insufficient. But if neither of these can be done, He wonders, how one who has subscrib'd to the second Canon of a Church, can deny the King's Majesty to have the same Authority in Causes Ecclesiastical, as a Doctor has prov'd the Christian Emperours to have had in the Primitive Church. And much more does He admire, that such a Man should Venture to Impeach in any part the Regal Supremacy in the said Causes restor'd to the Crown, and by the Law of the Realm therein Establish'd — But because there is one plausible Objection, against the Doctor's Book, that to argue a Right in any one, from bare Matter of Fact alone, is by no means a sufficient or conclusive way of Reasoning: Therefore to take off this prejudice, he thinks it will be a very necessary and useful Work to give Account of the Ground, Authority and Rights of Ecclesiastical Synods, from the Law of God and Reason of Things. This he has briefly done with such a clearness of Style, and such a calmness of Spirit, as adds more weight to his sober way of Arguing.

I have given the fuller Account of the several Controversial Tracts upon this Subject of *Convocations*, in Justice to the Reader, who may not perhaps have troubled himself with looking after or turning over all of them. And I dwell a little longer upon Dr. Wake's *Appeal*, &c. Because it is not so well known, or so much consider'd; as it ought to be: Whether it be the Industry of his Adversaries, to suppress

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what they cannot so well Answer, or whether it be the Genius of the Age to value *New Opinions*, and despise the Judgment of our good *old Fathers*; or whatever the reason of it be; it has so happen'd, that this *Appeal*, &c. *In behalf of the King's Supremacy*, has been dropt by our Authors *Enemies*, and perhaps over lookt by his *Friends*; when yet it is a Piece of undeniable Arguing, and is capable of no other Confutation, than what was bestow'd upon the *Act of Submission*, i. e. pronouncing all *Ab Initio*, Null and Void.

We come now to the Last and Greatest Champion, for the new Cause of the Church, Nameless at first, in Print, yet freely own'd in Conversation. Had he still been pleas'd to conceal himself, I would not have been so rude as to point at him. The Book was publisht with this Title, *The Rights, Powers, and Privileges of an English Convocation Stated and Vindicated: In Answer to a late Book of Dr. Wakes, Entitled, The Authority of Christian Princes over their Ecclesiastical Synods, &c. and several other Pieces.* Lond. 1700. 8vo. The Bulk of this Book, the Specious Preface to it, the Number of Citations, and above all the Spirit of Assurance, made People think *This* would determine the whole matter. And then, the Artificial giving a great and just Character of the *King*, the many insinuating Addresses to the *Commons*, the pretty ways of ingratiating with the *Inferior Clergy*, the High Zeal for our *Church*, and pleading fundamental Rights and Liberties of it, with the briskness of Running down an *Adversary* into the utmost Contempt and Odium: All this was apt to create in many a kind Reception

Author of
the *Rights,
Powers, and
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of an Eng-
lish Convo-
cation.*

A plausible
Book,
and well
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tion of the Book ; which when set off with the Industrious Applauses of considerable People, who admire every thing of *themselves* and their own, gave all possible advantage to the Cause, and this Defence of it. But let us Examine the Performance briefly, and leave the Judgment to Wise Men.

An Assu-
ming Wri-
ter.

First, It is natural to suspect Any One, that talks much of his own Abilities. I have heard Criticks observe ; that Writers who pretend to *most*, do most commonly fail in their pretensions. In this Case, I do believe it, For our *Author* Triumphs, that *he has been led to consider the Point in Debate with a particular Care and Application.* Pref. p. 1. He renounces all Pleas of Haste and Occasions of Dispatch, would seem a Writer of second Thoughts, and utmost Deliberation ; says, *The following Papers were prepar'd early tho' they saw the Light no sooner, and have indeed been deferr'd so long---* p. 11. He has endeavour'd to carry his Enquiries as far, and tread as surely as he well could, with that Leisure, and those Opportunities he was Master of, with a desire of being exact and full in his Accounts, &c. p. xxvi. When yet after all this assuming Care and Caution, the very turning o're the Book must beg its Author's Pardon ; For, abating the Contents, the very outward Form and Figure of it betray'd a tumultuous haste and huddle. How came the *Sheets* divided, and the *Pages* to our easy View Reprinted and Transpos'd ? Why is the Order of the *Chapters* visibly inverted, and many things at a distance inconsistent with one another ? Why the Text in some places set close to let in reconciling Notes ? Why many Instruments in the

Denies
himself in
hast, when
yet the
very Form
of his
Book is an
Argument
of it.

Ap.

Appendix thrown in without Collating? Why *Addenda* without Patience to consider of Infinite greater Blunders? Why so many Errata's acknowledg'd, when they are not of the Press, but of the Pen? A Man that professes Expedition, and complains of a disproportion'd time, has a Title to excuse for a little Disorder and Confusion: But he that boasts of long digested Thoughts, and a Judicious Suspence of Publication; and after all this comes out with a more *sedate Edition*; if such a one fail in the Exactness he pretends to, he cuts himself off from Apology and Pardon.

II. When an Historical Writer Builds much upon *Manuscripts* and *Original Records*, and boasts the standing on a new and firm Foundation; and then insults his Adversary, for venturing to write a Book about the Customs and Privileges of Convocations, without having perus'd the Acts of almost any one English Synod. p. 364. deriding him for a *Second-hand Writer*,---and for Drawing his supplies from that everlasting Magazine of insignificant Authorities, his *Common-place Book*. p. 458. As if he himself had got every thing at first and best Hand, and had fetcht all from the Fountain-Head. Were this Imputation justly fix'd on Dr. Wake; yet it is sufficient, that he deduced the Argument from printed Books alone, and at that time meddled not with Written Memoirs: And for this reason, confess'd the want of *Materials proper for such an undertaking*. Pref. p. vi. and modestly bespoke a *reasonable Allowance for his Errors*. B. p. 8. But if his pert Answerer, after all his boasting of Records, came not much nearer to them, he has left himself without Excuse. I appeal then to any Comparing Reader, and

He appeals to Manuscripts and Records while a Stranger to them,

to his own Conscience, whether before his First Edition, he ever lookt upon one Leaf of the *Archbishops Registers*, (that have the fullest Account of *English Synods*) tho' he so confidently cites them? Whether he ever to *that* day saw the *Registrum Henrici Prioris*, tho' he has so many Transcripts from it, and appeals to it as a *Manuscript in the Hands of my Lord Bishop of Norwich*? Whether he had then so much as dipt into the *Synodalia* at *Cambridge*, the *Registers* at *York*, the *Volumes* at *Canterbury*, the *Original Subscriptions* of *Convocation*. 1571. at *Oxford*; or saw more than other *Mens Excerpta* from them? Whether he ever run over the *Rolls* in the *Tower*, or the *Manuscript Journals* of *Parliament*. It is apparent to me, and shall be made so to the World, that he scarce lookt upon *One* of these, but in Transcript, and the *Minutes* of other *Collectors*. Upon diligent Enquiry, I Question. Whether he had then carried his own Eyes to any *Original Manuscript*; but some few of those in the invaluable Library of *Sir John Cotton*. There I believe, he was his own Witness, and yet has Transcrib'd some things so very faulty, that shew'd him at least unacquainted with *old Hands*. As to any other *Monuments* of *Antiquity*, he took the Word and Pen of more able Writers; and therefore he should have been more open in his Acknowledgments, that as to what he produc'd from *Registers*, he did not always on this occasion consult the *Originals themselves*, for *Reasons* obvious to the Reader, but was forc'd in several Instances, to depend upon *Collections*. Pref. p. xxvi. It is possible, our Author has been so conscious of this Infirmary, and so desirous of better Information, that since the

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publishing of his Former Book; he has gone to the first view of many Registers and old Records, has been admitted to proper Offices, and kept his Circuits of Enquiry; a Laudable Industry! and nothing to be Objected, but *Late* and *Unseasonable*; it is trying a Cause after his own Judgment given. But even his *later* Enquiries have been to very little purpose. His Eyes so much in *Prejudice* or *Haste*, that he has overlookt all material *Things*, and especially his *own Faults*.

III. Good and Wise Men will take some Offence at an Author, that leaves often the Merit of the Cause, and falls fiercely upon Personal Reflections. There was a time when *Hard Words* were much in Fashion, and the Talent of Writers lay much to Bitterness of Speech. It was so at the beginning of our Reformation, when Jayls and Stakes had raised the Passion of Exiles and Suffering Men. It was then a little excusable, if a *Bale* or a *Fox* did write with some warm Resentments, and a seeming Revenge. The same petulant Freedom began to defile the Press again, amidst our Civil Wars; when some were drunk with Zeal, and Oppression might have made wiser Men mad. But now in an Age of Peace and Politeness, to rail on, and throw plenty of Dirt: To dress up an Adversary in the Skin of a Brute, and *Bait* him with Noise and Fury. This is not, we thank God, the common practice of our Times. Especially when a man of the *same Communion*, and the same Function, manages a Dispute against his Friend and *Brother*, and that upon no Article of Faith, but a Point of *History*; nor against a Hidden and Reserv'd Wri-

Severe
and Bitter
in his per-
sonal Re-
flections.

ter; but one who own'd his Name; and the a Name of some Reverence for the Function sake, and some esteem for past Service to the Church. In such a Case, who would expect most Taunting and Opprobrious Language past all Charity and the Rules of Decorum.

first dash, Dr. Wake's Work is a silly empty performance written without any knowledge of our Constitution, any Skill in the particular Subject of Debate.

Excessive-
ly Rude
and Re-
proachful.

All the Man advances is not only ill Design'd, ill Grounded, and his Principles are as false, they are scandalous.---- How came he to write at

about the Matter of Fact, that he was not (a could not but know that he was not) Master of. The best thing that can be said for Dr. Wake is, that he wrote at this Rate, because he knew no better.

Dr. Wake's mighty Performance is really nothing more than a series of long, flat, impertinent accounts attended with suitable Reflections, but without one wise word spoken, or true stroke struck in behalf of his Point, from the beginning of the Book to the end of it. After these and a hundred

He makes
his Adver-
sary all
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and Kn---

more upbraidings of his Ignorance and Folly to wound deeper, he turns his Character into that of Downright Knave---He represents him (while he knows the contrary) as a sordid

Flatterer of the King, as a profest Enemy to Parliaments, and a very Traytor to his Order; he draws him Writing against his Conscience.

As little as he knows of these matters, he seems to have known yet more than was willing to own, and enough to have kept him

from engaging on that side of the Question he has done, if some very powerful Motive had not come in to determine him;---Those Little, Shifting

Equivocal Forms of Speech he is so full of---shew-

that the *Thistles* he was *Mumbling* did not pass easily, and that he had not only no assurance that he was in the right, but a shrewd guess that he was in the wrong.—He took upon himself the hard Task of maintaining a Point, which yet he saw was not defensible, and that his Conscience star'd him in the Face every step that he took.—Rather of the *Cabal* against Priests and Priestcraft, than one of the Order—A Church *Empson* and *Dudley*, and ought to find the Fate of such wretched Instruments--- that is, as I remember, to be *Hang'd*. Nay, a *Judas*, i. e. I presume should save the *Hangman's* Labour. Such virulent Stuff, and a mighty Bundle more of it, in the very *Preface*, to prepare and prepossess the Reader with a due Veneration for himself, and with the utmost Contempt and Abhorrence of *Dr. Wake*. There be a thousand varieties of these Flowers scatter'd thro' his Book. These are a *sample* only in the *Preface*, and set there only to *Prejudice* those who will Read on, and to *Satisfy* those who go no farther. I don't know what may be grateful to Wits and ill Natures: But I think Sense and Religion express themselves another way. This is a new Vein of Writing, and has such a peculiar Spirit of the *Accuser*, that I can bury all *Recrimination*. Had he been still so happy as to conceal his *Name*, it would have been an Argument sure, that no *Ch. of England* Divine could have been the Author of that Book. And could we have found out any other idle Body, the Language of *Billingsgate* should have been punisht at *Bridewel*.

Had this *Answerer* qualified his Rudeness, and made any pretty Apology for such indecent Liberties, he had come off however

Good
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He justifies the
fierce way
of writing.

And yet
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Dr. Wake
from gi-
ving him
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vocation.

And owns
he did
good Ser-
vices a-
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pery.

with a better Grace, if not a better Conscience. But begging pardon is beneath the *Hero*, he needs no *Excuse*, it seems, but for not saying worse things, if under a Sense of these Injuries, he have not so Temper'd my Pen every where, but that an hard Word may now and then have escap'd me, I need no *Excuse* for it. Dr. Wake's way of dealing would I am sure have justified much rougher Returns than any I have made him. — A Sense of what Injuries? What way of Dealing? One would imagine Dr. Wake had been no less than his implacable Enemy, and had ruin'd his Reputation and his Fortune in the World. No, he acquits the Doctor and himself of all premeditated Malice. Whatever of this kind the Reader meets with, he may assure himself that it springs not from any least mixture of private Prejudice or Resentment: For I have no Quarrel with Dr. Wake, but on a publick Account. No! that is more inexcusable. He that stabs a Man upon no Quarrel with him, delights more in Blood than he who does it to put by a Thrust or to defend himself. Ay, but on a publick Account. Thank God and our Laws, for Publick Injuries there is a Publick Justice of the Nation. And he best deserves it, will appear when the Merits of each Person, and each Cause, are fully understood. But after all, Mr. A. it seems, is a well-wisher to Dr. Wake. No prejudice — On the contrary the good Services he did against Popery inclin'd me always to wish well to him, and to esteem him. True, he did good Services against Popery, in a proper Time of Tryal. He Talk'd, he Preacht, he Wrote, with that Clearness and Courage, as prov'd him quite another Man, from what this Writer represents him, prov'd him

him

him to be a true *Friend* to the Church of *Eng-land* and a stedfast *Enemy* to Arbitrary Power. But where is the Heart of this Author in commending *Dr. Wake* for his *Services against Popery*, when in another place he ridicules him for it, and grins, that he had made the *Bishop of Condom* half a *Convert to the Reform'd Religion*, a Taunt that would have become the *Jesuit*, or a *Priest* only of that uncharitable Church. — But the witty *Mr. A.* comes off with another deadly wipe. Or, (says he) *Had I wish'd him ill, yet I would never have taken this way of expressing it; for Petavius has taught me long ago, That to write against some Men is the way only to have their Pensions doubled, and the Experience of later Times than his has shew'd, that it is possible to write a Man out of Reputation into Preferment.* This indeed is no Reflection upon *Dr. Wake*, (who has just what he had) but upon the *Government*; and the harder Reflection, because no *Prince* ever put the disposal of *Church Preferments* into more proper and more honourable Hands. The *Later Experience* he refers to, is utterly false in Fact. The true Reputation was all on the *Preferment* side; and as to the witty Conceit of it, to write another man out of Reputation into Preferment is a kinder Office for any Author, than to write himself out of both.

Yet in another place he ridicules him for it.

His Reflections are commonly more upon the Government, than upon the Doctor.

IV. To be dextrous at picking Holes, and exposing the Nakedness of others, to be above Measure Censorious, and a Critick in Minute Matters: This does not recommend a Writer to any but *Wits*, and *Merry Folks*. Good Substantial Authors despise the Notice of Little inconsiderable Errors; and Correct such only as

Trifling and Childish in correcting small Mistakes.

Look *big*, and stand directly in their way. Had this Answerer been as Wise and as Merciful, had he reflected only on such Mistakes of other Men, as did immediately *affect* his Argument, and were of some importance to be set right. This had been of Service to his *Subject*, and to the *World*. But since Grammarians and Schoolmen pelted one another; Perhaps there never was a Man, who delighted more in hitting every the least Biot, or catching more at every seeming Trip, tho' not in his way, nor to his purpose. Can any read and not observe, how perpetually he hunts after Faults and Imperfections of *Better Men*? How frequent his *Excursions* and *Transitions* are to fetch about an Offender? How many Burdensome *Notes* only to Hook in a Magisterial Remark? Not only Matters of Fact, of Opinion, of Conjecture, fall under his Correction: But he attacks the Structure of Sentences, the Propriety of Words, and the very Position of Comma's. Indeed no Reprehension can be needless, that Illustrates a useful Truth, or Retracts an obtaining Error. But when Exceptions are taken at meer Trifles, and Men *Censure*, because it is a *pretty* thing to do so. This at least is Wantonness of Thought, and Slight of Hand. To give a thousand Instances of this petulant Levity in the *Book* before me, were in effect to be the same sort of *Trifler*. I only lay down this honest Rule, That those who would be detracting from their *Neighbours*, should first look at Home, and be more especially cautious of *Two Things*. 1. That they do not themselves commit a Multitude of Errors, while they are running over their Articles

Two
Rules for
Criticks,

ticles against other Men. 2. That they do not Tax a Fault in another, when the very Fault really is their own. Our Critick shall be judg'd by these Two Laws; By the *First* all along, by the *Latter* Now more especially.

Mr. A. offends against them both.

He falls rudely upon *Lyndwood*, one who best understood the Canons and Constitutions of our *English Church*: And could not but know the Rights and Usages of our Councils and Convocations, wherein he had been so often and so eminently concern'd. Yet because he contradicts the Notion of our *New Writer*, he makes him a little ignorant Scribler, and one who seems to have known no more of *Provincial Councils*, than what was to be found in his *Gratian*. p. 14. Why so? Because *Lyndwood* in his *Gloss* upon a Constitution of *A. B. Arundel*, delivers himself thus.— *Ad Provinciale Concilium non sunt vocandi, ex necessitate, nisi Episcopi: si tamen alii (scil. Abbates, Decani, & Archidiaconi) Veniant, admittendi sunt: Immo vocandi sunt, quando de eorum Factis agitur, vel quia eorum Consilium est necessarium.* Now all this was in *Lyndwood's* Time, and had been long before, literally true. Tho' to the *Parliamentary Convocations*, and the other *State Assemblies*, the Abbots, Priors, and Archdeacons in Person, the Cathedral Chapters by one, the Diocesan Clergy by at least Two Proxies, were usually Summon'd: yet to the pure *Ecclesiastical Synod*, or proper *Provincial Council* (not depending on the King's Writ) the *Archbishop* was oblig'd to call none but *Comprovincial Bishops*. The Metropolitan and his Suffragans made a perfect Synod; and what He by their Council defin'd was a *Canonical Act*, without any Authorizing Concurrency

Insults *Lyndwood* for a Mistake that is purely his Own.

He does not know what an *English Synod* was.

The Arch-
bishop and
his Suffra-
gans did at
first make
a full and
absolute
Provincial
Council
or Synod.

The Low-
er Clergy
were at
first call'd
for no
other rea-
son but
Taxes.

rence of the Inferior Clergy. I say, the Arch-
bishop, and Bishops, were all the *Necessary* and
Essential Parts to Constitute a true *Provincia*
Council. And therefore *ad Provinciale Concilium,*
non sunt vocandi, ex necessitate, nisi Episcopi. But
then, tho' the *Archbishop*, and *Bishops*, did then
of themselves Constitute an *Ecclesiastical Syn-*
nod; yet they commonly suffer'd the Clergy to
attend that Synod, and to be *Witnesses*, not
Judges in it, to give their *Approbation*, not their
decisive *Votes*; so as they would not exclude
them, if they should *voluntarily* appear. Therefore
it truly follows, *Si tamen alii veniant, admittendi*
sunt. Let them take their place, tho' they had no
express and positive Summons. Nay, sometimes
in *Provincial Councils* (as well as in other State
Assemblies of the Clergy) they granted *Aid*
and *Taxes* of their Spiritualities to the King;
which Impositions were to be levied on the lesser
Dignitaries, and on the *Inferior Clergy*, as well
as on the Higher Prelates; and therefore in
Such, their Presence, and their Consent was ne-
cessary. When the *Provincial Council* had no-
thing to do, but to make *Canons* and *Consti-*
tutions, to condemn *Heresies*, or meddle with pure
Spiritual Matters, then the Meeting and the Re-
solutions of the *Archbishop* and *Bishops*, was at this
time sufficient. But if *Common Property* was to be
concern'd in a like *Provincial Council*; if
Aid or *Subsidies* were to be laid in due propor-
tion upon *All the Clergy*: Then indeed they had
a Right to be call'd and consulted with. For
the *Fall* to be consider'd was of their own Li-
berties and Properties, and the Tax to be Im-
pos'd could not be Legal, without *their Advice*
and Consent; Therefore true again, *Inimicus*
vocandi

vocandi sunt quando de eorum factis agitur, vel quia eorum Consilium est Necessarium. This is the plain Meaning of *Lyndwood's* Gloss, all Matter of Right and Fact. But because it did not suit with our Author's designing Scheme of the *Inferior Clergy being an Essential Part of all Provincial Councils*, therefore he runs it down for an Absurd and Senseless Comment, of a rash and ignorant Interpreter; when yet the blunder is all in *Himself*, and there should rest the Censure too. Had he done this, in his own Phrase, *Because he knew no better*, it might be pardonable, if he had not upbraided *Lyndwood* with that Guilt of Ignorance, which is all his own. He has by this time, one would think, searcht so much farther into these Authorities, as to find in the several Forms of Citation to the Provincial Councils, which were purely Ecclesiastick, that the Archbishop sometimes calls only the Bishops, at other times he allows or orders the Bishops to give notice to their *Chapters, Archdeacons, and Clergy*, that they may come together with their Diocefans, but with Expressions of Liberty and Choice to attend or absent, *Si voluerint, si expedire viderint, si visum fuerit*, &c. for except they were to give away their own Money, they had at first no *Necessary Business*.

They were no Essential Part of Synods.

And did not necessarily come, but for such occasions of *Aid and Subsidy*.

Our Author cannot be content thus to insult *Lyndwood*; but he must make him contradict himself, As *Lyndwood himself might have reflected, where he observes, That in our Church Constitutions, the Word Prælati was applied often to some of the lowest, even of the lower Clergy, the Presbyteri Plebani, or Rectors of Rural Parishes, p. 131.* This self Condemnation of *Lyndwood*

wood is our Author's own too. For Lyndwood not once observes. That in the making of a *Church Constitution* in any *Provincial Council*, the Word *Prelati* took in the lower Clergy. Not a Syllable of such a Meaning. Nor does he ever say, that *Presbyteri Plebani* were bare *Rectors of Rural Parishes*: They were somewhat more, they were *Rural Deans*, who presided in *Decanal Chapters*, and represented the Clergy of their own district in some other Meetings; and therefore were not the *Lowest* even of the lower Clergy, as this Author widely Talks.

Rude and
Scurrilous
to the
Memory
of Lynd-
wood.

When he has thus quarrell'd with Lyndwood for nothing but his own want of Understanding, then he Triumphs over his Memory to a strange Degree; *I have made the best Excuse I can for him, for I am not willing to believe, that the Dedication of his Book had any Influence upon the Doctrine of it: Or, That he studiously fell into such Opinions, as he knew would be grateful Above.* p. 15. This Wit is a very odd Weapon. Lyndwood had escap'd this by Blow, if Dr. Wake had not Dedicated his Book to an *Arch bishop*, as it seems Lyndwood did before him; and fell into *Opinions grateful Above.* Well! upon some Mens Palate to be Scurrilous is to be Smart: And to Abuse our Superiors is a modish Art of Raillery. But he has not yet done with naughty Lyndwood. I must needs say that he has decided in this Matter, more like a *Dean of the Arches*, than a *Prolocutor of the lower House of Convocation*, which he sometimes was. Why like a *Dean of the Arches*? Must every Dean suffer for an ill Decider of Causes, because Lyndwood (suppose) gave once a wrong Judgment. Has he entail'd Ignorance

Reflects
on him as
Dean of
the Arches,
when he
never was
so.

norance and Partiality upon that very Office ? Then in the next Vacancy, this Gentleman shall make an Interest for it ; if he knows, that in days of Old this Office was commonly in *Clergy-Men*. But in the mean time, it is so well fill'd, That the Reflection can be nothing. Only the *Jest* would be absolutely Lost, if *Lyndwood* never was *Dean of the Arches* ; I do not find him so, he was Chancellour to *Chichele* Bishop of *Sarum*, and bore the same Relation to the same Patron, when Archbishop of *Canterbury*. He was Rector of *Walton* Dioc. *Linc.* Prebendary in the Churches of *Sarum*, *Wells*, and *Lincoln* ; Arch deacon of *Oxford* ; Keeper of the Privy Seal ; the King's Embassador, and Official indeed of the Court of *Arches*, while *Thomas Brown* and *Thomas Beckington* were successive Deans : But that he himself was *Dean of the Arches*, is more than the Author or I can tell. But right or wrong, he must have one more parting Blow. Perhaps one that had less regard for his Character, than I have, would be ready to suspect, that he might by this time have his Eye upon the Bishoprick of *St. Davids*. Perhaps *Lyndwood* had no more Eye upon a Bishoprick, than *Dr. Wake* when he refused it ; and then again the *Jest* is cold. But if he had an Eye, yet by this time he could scarce have it. For he began to write his Glosses in the Year, 1423. as he tells us in the *Dedication* of 'em : And he was not Bishop of *St. Davids*, till 1441. as *Pat. 20. H. 6. Rot. 20.* To have an Eye upon a single Bishoprick, near twenty Years before it fell to him, was very Sharp. I doubt our Author will never be so Foresighted.

And makes him have an Eye upon a Bishoprick twenty Years before he had One.

While

He corrects the Author of *Occasional Thoughts on a Convocation*, for a Mistake very gross in himself.

While he treads thus hard upon the Grave of the Dead: It is a less Breach of Charity perhaps, that he falls heavier on the Living: and yet touches nothing but his own for Places. There was, it seems, a modest and ingenuous Writer, who had truly observ'd that the *Præmunire* was taken off, before the Clergy did make their solemn *Submission*. This our Author does *resolve* shall be false, because not calculated to his reckoning, that the *Submission* was made in difficult Times, and under great a Terror, p. 92. So on he falls, To a Gentleman that Publishes some Thoughts on a Convocation insults the learned Mr. Hill on this Head who had represented the Convocation, which submitted, as then under the Lash of a *Præmunire*, But this (says he) is a Great Blunder. For the *Præmunire* was of at least three Years before, and releas'd by Act of Parliament in the 22. of Hen. 8. the Convocation Act being not till the 25th, p. 8. Now says our Corrector it seems this Gentleman Knows not (what one would have Thought every Body knows) that the Clergy made their *Submission* some Years before it was enacted, and that *THEN* the *Præmunire* hung over them. Abating the number of Years, the Question between them is only this, Whether the *Submission* was made, when the *Præmunire* was off, and releas'd by Act of Parliament, as the Gentleman asserts? Or whether this *Submission* was made under the Lash of *Præmunire*, and that *THEN* the *Præmunire* hung over them, as this Writer does affirm, and is most confident in it. It is a pretty Observation of his own, p. 414. Confidence even where Men are certainly in the Right, is not over becoming,

coming, but where they are as certainly in the wrong, and are reprehending others that are in the right, there no quality soever sits so ill upon a Man, or looks so untowardly. Yet verily, Sir, this is here your own Case. For after all, the Submission was made after the Premunire was taken off, and therefore not extorted by any Terror of it. The Convocation met Nov. 5th. 1529. They were willing to purchase the King's Pardon, for incurring Premunire's, (from which Pardon they were precluded by an Act past this Sessions Decemb. 17th) they did agree on the 24th of January following, upon a Subsidy of One Hundred Thousand Pounds. This Grant they presented the King, and made the payments to Commence from Lady-day 1530. The King to gratify them for this Benevolence, or rather to give them possession of the late purchase, did in the next Sessions of Parliament, (which began Jan. 16. 1531) pass the Bill for General Pardon to his Spiritual Subjects, on March 31. 1531. in consideration that the Archbishops, Bishops, and Clergy of the Province of Canterbury in their Convocations, had given and granted a Subsidy of One Hundred Thousand Pounds. For this reason only, and by Correspondence of Gratitude to them to be requited—The King Grants his Pardon, for all things done contrary to the Form of the Statutes of Proviso's, and Premunire—Not a Syllable in the whole Act to intimate, that this Pardon was grounded upon any Submission made or expected to be made. After they had enjoy'd their full pardon above Twelve Months, and were legally free from the Penalties or Thoughts of a Past Premunire. Then the Convocation met again in April 1532. and to pacify

pacify the *Commons*, and give Security for their Allegiance to the King, after several *Forms of Submission* offer'd, remitted, alter'd and rejected; They agreed upon a sufficient and acceptable Form on the 15th of *May* 1532, the day after the Parliament was Prorogued: And upon the day following, *May* 16. the Archbishop of *Canterbury*, attended with other Bishops, presented the said Form to the King, who delivered it to *Thomas Duke of Norfolk*, Lord Treasurer. He Read it distinctly in presence of the King, and an *Instrument* was drawn up by Notaries, to make it an *Authentick Act*. Upon which Tender and Acceptance of *Submission* the *Convocation-Members* all departed, having been Prorogued by the King's Writ to the 5th of *November* following. This is the exact History of the Pardon of *Premunire*, and the Form of *Submission*, by which it is evident The latter was made above a *Twelvemonth* after the former; and therefore it is very true what the Author of *some Thoughts*, &c. did observe, That *Mr. Hill* had blunder'd in representing the *Convocation*, submitting under the *Label* of a *Premunire*, whereas the *Premunire* was before released by *Act of Parliament*. However it was a smaller Trip in *Mr. Hill*, because in his Country he never saw *Convocation-Records*; but for this *Answerer*, who pretends, even in his First Edition, to have seen the *Journal* of that *Synod*, and might more easily have seen the Printed *Act of Parliament*, 22 *H. 8. cap. 15.* for him to insult another at such a Rate for Falshood, that turns all upon Himself. This at least must make the concluding Reproach his own, which he flings with so much disdain upon his *Adversary*.—

fary.—*This Gentleman knows not what one would think every Body knew—yet as unacquainted as he is with things of this nature, ventures at Random to bestow his Rude Language on the suppos'd mistake of another man: under so great a degree of Ignorance a little more Modesty had become him.*

My Lord of Sarum is a Name not only Venerable for his Dignity and High Station in our Church, (as this Answerer does in his way of *Meaning* acknowledge) but truly valuable for his Excellent Works; and those more especially, that so well Illustrate, and Defend our Reformation. Nay, and One, who deserves particular Respect and Thanks from this very Author, for Asserting some of those Principles of *English Liberty*, which this Author does now heartily Espouse. I confess I have often wonder'd, how there ever came in a Party within our own Church, who made it their Business, and their Pleasure, to depretiate those Volumes of the *History of the Reformation*, as if They were afraid or unwilling, our Church should be justified in her separating from the Church of Rome. And I wonder more, there should be still the same Spirit of Detraction among our selves, to find Work and Weapons for the Common Enemy, when his Lordship has outliv'd the Prejudice of former Reigns, and has done as much for the Interest of the Nation, and the Establishment of our Church, as any one English Subject. Yet Mr. A. is one of those, who delight to take all little advantages of Carping at Passages and Expressions of that History. In which he is sensible, that he seems to have acted too free a part. Pref. p. 25. A Freedom indeed, that could never be expect-

He falls rudely on the Bishop of Sarum, and his whole History of the Reformation.

VVith a Freedom not sufferable in a Priest.

ed, but from some *Prebyter*, who under a pretence of equal degree, would defy and depose the whole order of *Bishops*. Whatever Excuse he makes, and whatever Turns of Supposition yet he will never be thought to have done it, he hopes, with good *Manners*. I must not be now at leisure, to trace his very needless Remarks upon some *Little Matters*; nor his more invidious *Strictures* on his Lordship's Character and Person: his Lordship has been already pleased to vindicate Himself, as far as he thought proper, by *Reflections on a Book Entituled, (The Two Rights, Powers, and Privileges of an English Convocation, Stated and Vindicated)* &c. *London*. 1700. I am at present only concerned to prove, that Mr. *Atterbury* has inveighed against the Mistakes of other Men, whereas in the mean time the Mistake is all his own.

And reproves his Lordship for Errors that are most his Own.

As in the distance of Parliament and Convocation Meeting.

And of this Ingenuity, some of his Animadversions on the Bishop of *Sarum*, are a notable Instance. My Lord of *Sarum* (says he) had well consider'd this matter, when he said, 'twas the Custom of all *Hen. VIIIth's* Reign, for the Convocation to meet Two or Three days after the Parliament (Hist. Reformation. Vol. 1. p. 213.) For he sides that it sometimes met before it; (for instance in 151½ the Convocation came together, Feb. 1 the Parliament not till Feb. 4.) the very instance upon which his Lordship produces this Observation destroys it. For the Convocation of 1536. began June 9 the Parliament. June 8. p. 439. Well and was it not the Custom in all *Hen. VIIIth's* Reign for the Convocation to meet (Two or Three days suppose) after the Parliament. Yes. The First Parliament of *Hen. VIIIth*, in 1511 met the 21 January (*Dug. Sum.*) the Convocation

tion met January 26. as by the Archbishops
Mandate, and several Procuratorial Letters ;
that is, at least *Two or Three days after the Parlia-
ment.* But the *Answerer* will say, this was not a
Parliamentary Convocation, but a *Synod*, not by the
King's Writ ; but the Archbishops sole Autho-
rity. So indeed he has already said, p. 66. 449.
but possibly false, as Some Body may hereafter
take occasion to prove. The next Parliament
was Summon'd to meet the 4 Feb. 151½ the
Convocation Cited to Feb. 6. that again was
(*Two or Three days after.* Another Parliament
began 15 Ap. 1523. (*Dug.*) the Convocation
met not till 20. Apr. (*Reg. Tonstal. Lond.*) above
Two or Three days after. In 21 H. 8. 1529.
The Parliament began 3 November, and the Con-
vocation *Two days after.* And in 33 H. 8. the
Parliament open'd the 16 Jan. the Convocation
Assembled 20 Jan. 154½. Such Authorities might
very well have inclin'd the Bishop of *Sarum* to
say, it was a Custom for the Convocation to meet
Two or Three days after the Parliament. For so
it seems, it commonly did in that Reign, and
more especially in the last preceding Reign. But
says our *Vindicator*, the Convocation sometimes
met before the Parliament : That is unhappily
said, because it is absolutely false : There never
was a Convocation, or Provincial Synod in
that Reign, nor I think in any other, call'd to
attend a Parliament, that ever met before it,
but at least one day after it. I admire this
Reformer of Dates should fall upon so palpable
a Mistake of Times and Seasons, which, if true,
would have prejudiced his own Notion of the
strict Union between *Parliaments* and *Convoca-
tions.* Nay ; but he gives an instance of it.

Bishop of
Sarum was
in the
Right, as
to a Gene-
ral Obser-
vation.
But Mr. A.
on the
same Ar-
gument is
unhappily
Mistaken.

And gives
an In-
stance di-
rectly
false.

In 1512 the Convocation came together Feb. 1 the Parliament not till Feb. 4. And yet this is an Instance of nothing, but the Writers Mistake: that very Convocation came together not Feb. 2 as he says, but Feb. 6. not Two days before, but just as long after the Parliament. Nay, and it so appears in that very Register of *Hadria de Castello*, which he perversly Cites. I appeal to his own Eyes, when instead of Citing Registers, he will be pleas'd to Consult them To Triumph thus, That My Lord of Sarum had not consider'd a Matter, when my Lord is Right, and he notoriously Wrong in that very Matter, is enough to move the Pity of his own Friends. What if the Convocation then met sometimes the next day after the Parliament, this is no more a disproof of his Lordship's Observation, than that they now meet the same day. But that in that Reign of Hen. VIII. they met nicely the day after, is a false way of wording in Mr. A. and that either Then or Now they ever met before the Parliament, is a Paradox in History and Politicks, of which this Writer could pick up but one Instance, and that abominably false.

Again
censures
the Bishop
of Sarum
for mista-
king the
sense of
Bishop Ra-
vis's Paper.

Another Occasion of Condemning the Bishop of Sarum, he is pleas'd to take, upon Reference, to a Paper of Bishop Ravis. I do not find (says he) what ground his Lordship had to say, that there was in Queen Elizabeth's Time such a Tradition (i. e. of the Inferior Clergy's departing from their Right of being in the House of Commons, about the middle of Hen. VIII.) for he seems to have taken up this Opinion from the 4th Article of Bishop Ravis Paper, which he there quotes; but I must take the liberty to say

that his Lordship misunderslood that Article, if he thought it related to any thing done in Hen. VIIIth's Reign ; for the Separation there spoken of is plainly of Ancient Date, and refers to the Times of Edward I. and Archbishop Winchelse. (1. Edit. p. 243. 2 Edit. p. 250.) Very Good ! Yet after all this Harangue, the Bishop of Sarum had sufficient Ground to say, there was such a Tradition, (and as hereafter shall be prov'd more than a Tradition) tho' this Writer could not see it. Neither does the Fourth Article refer to the Times of Ed. the I. and Archbishop Winchelse, as this Author talks at a mighty distance : But it refers to Hen. VIII. as his Lordship might well think without misunderstanding. The Words of the Article when presented to Queen Elizabeth are these. It doth not appear, why they (the inferior Clergy) were excluded (the House of Commons) but at it is thought, either the King offended with some of them, did so grievously punish the whole Body ; or else the Ambition of one of them, meeting with the Subtilty of an undermining Politick, did occasion the causeless separation. The same Article, when the Paper was presented to King James, is varied thus : It is thought the Clergy falling into a Præmunire, and so not in the King's Protection, it did afterwards please the King to pardon them ; so began this separation as far forth as can be Collected. Then the Wisdom of a great Politician meeting with the Ambition of as great a Prelate, wrought the continuance of the said separation, under this pretence, that it should be most for the honour of him and his Clergy to be still by themselves in Two Assemblies of Convocation, Answerable in proportion to the Two Houses of Par-

And yet the mistake of time and reference is not in the Bishop of Sarum, but in the confident Mr. A.

Abſurd
and Ridi-
culous in
Mr. A. to
make that
Paper re-
fer to
K. Ed. I.
and A. B.
Winchelfe.

liament. Both theſe Articles to the ſame effect, our Author muſt needs throw back upon the time of *Edward I.* and *A. B. Winchelfe*: So he has done before, p. 41. and calls it *Bishop Raviſh's Juſt and Impartial Obſervation*. After all, it is to the utmoſt ridiculous, to refer this to *King Edward I.* and *A. B. Winchelfe*. Could the Clergy be ſo abſurd, as to offer *Reasons* to *the Queen Elizabeth*, or *King James*, the *Deans, Archdeacons, and ſome other of the Great and Wiſe Clergy*, might be admitted into the *Lower Houſe of Parliament*; becauſe, Forſooth, it was ſo in the Reign of a Prince Three hundred Years ago, tho' a ſeparation had been kept up ever ſince? Could any that drew up and preſented theſe *Reasons*, hint ſo Familiarly, a *King* granting his *Pardon*, at a great *Politi- cian*, and as great a *Prelate*, &c. and expect *Their Majelties* ſhould look over the Alluſion to *Modern Times*, and underſtand it all of other Ages, and other Men? No! the very Petition to the ſame purpoſe, by the Inferior Clergy, in the *King Edward VI. Reign*, that immediately precede in the ſame Collection of Records *Hist. Ref. Vol. II. Collect. 16. 17.* do fully prove that the Lower Houſe knew themſelves to have been very lately in the poſſeſſion of an Ancient Cuſtom, of *Adjoyning and Associating with the Lower Houſe of Parliament*, in Matters of Religion, and Cauſes Eccleſiaſtical. And in this very Paper offer'd to *Queen Elizabeth*, and afterwards to *King James*, the Articles refer to a different double ſtate of the Clergy, one before the Reformation, when they had a Cuſtomary Right of being preſent in Parliament. The other at and ſince the Reformation, when

the Supreme Authority was reunited and Restor'd to the Crown, when the Clergy had fall'n into a Premunire, when they were excluded the Parliament, when the Separation began, and when it was continued by the Wisdom of a great Politician meeting with the Ambition of as great a Prelate, All expressly pointing to, in and about the time of Reformation, with not the least regard to the remote Ages of Edward I. and A. B. Winchelse. Bold Mr. A. breaks here the Laws of History and Common Sense, to put a Mistake upon the Bishop of Sarum, when it is infinitely greater in Himself. Nay, and when he does but further his own designs (if he had any) to Assert the Parliamentary Rights of the Clergy; for he drops them, where they first rose, in the Reign of Edw. I. Whereas they continued to the very Reign of Hen. VIII. as I may have occasion to observe hereafter.

To Return. If the Answerer dealt thus with our Forefathers, with Strangers, and even with his Friends; (for the Bishop of Sarum is pleas'd to say, That if Fame fixes this Book to the true Author, he had no reason to look for such treatment from him, unless from the unsuccessfulness of his Attempts to serve him, tho' managed with much Care and Zeal, oftner than once, do pass with him for so great an injury, &c.) It cannot be expected that Dr. Wake (a profest Adversary) should escape the like unhappy Marks of his Displeasure. No! He strikes at him in the same unadvised manner, when the blow returns all upon his own Head. Observe one of his Triumphs, p. 275. If Dr. Wake knows nothing of these things, he is to be pitied for his Ignorance; if he does, and yet dissembles his know-

So he charges Dr. Wake with Errors, where he himself is most Erroneous,

ledge of them. He is to be detested for a much worse Quality. But can this Gentleman be in earnest, when he says, that the Convocation had little else at any time to do but to give Money? Does not he himself own in several places, that the King frequently sent his Prohibitions thither, commanding not to enter or proceed upon business that he did not approve of. This implies, I think, that they were often otherwise employ'd, than in Money matters: For Dr. Wake, I believe, will not pretend, that it was usual with our Princes to prohibit the Clergy from giving them Money. The Sense of all this Railery is this: Dr. Wake says, the main design our Princes seem to have had in Assembling Convocations, either at the same time they did their Parliament, or not long after, was to get Money from them. p. 227, &c. His Answer says, No! But the King frequently sent Prohibitions, which does imply they were otherwise employ'd. Yet Dr. Wake's Assertion is true; and the Answerers Denial and Supposition are false. Our Princes had never Assembled the inferior Clergy by the *Premunientes* Clause, nor secur'd their Attendance in or near the Parliament, by the Provincial Way; but for the pure sake of occasional supplies from them. And as this was the Reason, so was it the Consequence of the Clergies meeting with or near the Parliaments. They gave Money, and petition'd for Liberties and Rights, the old prudential way of giving Money. By all the Remains of their Debates and Actions, that are left to Us, they did little or nothing else. And indeed they could do nothing else: For tho' our Answerers will not know it, yet it is fit, the Readers of this Controversy should know; that in the Parliamentary

The First
design of
Parliamentary
Convocations
was
really for
Money.

liamentary Convocations of the Clergy, nay, in the Provincial Synods call'd by the King's Writ to the Archbishop, the Prelates, and Inferior Clergy did not for a long time meddle with *Doctrine* or pure *Discipline* of the Church, but treated of their Civil Rights, and Common Liberties, as *English Subjects*. There was not one Canon or Constitution before *Hen. 7.* among all those Collected in the 2d Vol. of *Spelman*, that was made in a Parliamentary Convocation, or Provincial Synod Assembled at the King's Motion to attend a Parliament. No! All those old Canons and Constitutions were made in distinct Ecclesiastical Assemblies, which were proper Provincial Councils, summon'd by immediate Will and Pleasure of the Archbishop, without any Reference to the King's Mandate or Desire. So as the Convocation, which attended the Parliament, *could have little else to do, but to give Money*. So far *Dr. Wake* is on the right side, and his Answerer on the other. But were *Prohibitions* sent frequently thither? i. e. To the Parliamentary Assemblies of the Clergy. No! Never so much as *Once*. How! Does not *Dr. Wake* say so? Does not *He himself* own it in several places! Not at all! *Dr. Wake* takes notice of the Royal Prohibitions sent to Councils purely Ecclesiastical, summon'd and held by the pure Spiritual Authority of the Pope's Legates, or the Archbishops of *Canterbury*. But he does not talk of any Prohibitions sent to the Parliamentary Convocations, or Provincial Synods, conven'd by the King's Provincial Writ, to attend a Parliament. For I suppose he believes there never was Any, nor occasion for Any. Why then should this haughty Answerer here

These Parliamentary Convocations were not Ecclesiastical Synods.

No Prohibitions ever sent to Parliamentary Convocations.

then spurn at *Him*, when he only throw down *Himself*?

Allow for one more Instance, that shall be, his insulting Dr. *Wake* for being ignorant of his *Common-Prayer-Book*, when in this instance at least he is himself more extremely *Ignorant*. *That this his Doctrine* (says he of the Inferior Clergy being a Member of Parliament) *was still good, and the Language much the same as low as the Restoration of Charles II. the Office then set out for the Fifth of November, shews, where mention is made of the Nobility, Clergy, and Commons of this Realm then Assembled in Parliament* (Prayer 2. as he cites the Number, but it is the First in my Prayer-Book) *for to say, that by the Clergy of this Realm my Lord the Bishops only are intended, were so absurd a Gloss, that even Dr. Wake's Pen would, I believe, be ashamed of it, p. 275 in the Reprinted Number of Pages. Yet it is even so. By the Clergy of this Realm; my Lords the Bishops only were intended; because they only of all the Clergy were then Assembled in Parliament. The Collect is to give thanks and praise for the wonderful and mighty Deliverance of our Late Gracious Sovereign King James, the Queen, the Prince, and all the Royal Branches, with the Nobility, Clergy, and Commons of this Realm then Assembled in Parliament. When were they thus Assembled in Parliament? Upon November 5. the first day of opening that Parliament, upon which First day, the King was to come in State, the Queen, the Prince, and Royal Branches came to see the Glory, and to hear the Speech. The Nobility or Temporal Lords to be in their Robes; and the House of Commons to be call'd up to the Lords.*

Charges
Dr. Wake
with Ig-
norance of
his Com-
mon-
Prayer-
Book.

When yet
the Igno-
rance is
most
thamefully
in himself.

Lords
are p
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Lords. But as to the *Clergy* (Lords Spiritual are properly so call'd as distinguish'd from the foregoing *Nobility*.) No Clergymen had any business, but the *Bishops*, as Lords of the Upper House. The Convocation of inferior Clergy were not to meet till the day after, and then were to meet not at *Westminster*, but in *St. Paul's*; and so in place and time free enough (one would think) from the danger of being blown up by Gunpowder in the Parliament-House upon the 5th of November. I have heard indeed of a sorry Preacher, who was deploring the effects of that Plot, if it had succeeded, because the Gunpowder would have blown up the King, and Queen, and Prince, and THE PRINCESS ELIZABETH, who was THEN IN WARWICKSHIRE. But I never till now met with a grave Writer of History, and Politicks, who judiciously observ'd, that the Barrels of Powder under the House of Lords at *Westminster*, if they had took Fire upon Nov. 5. would have blown up the Convocation in the middle of *London*, meeting there on November 6. Does this deserve a serious Confutation? Is it worth while to refer such an Author to the Act made in that Sessions for an Anniversary Thanksgiving on Nov. 5. and to tell him that no Clergy are there mention'd but the *Bishops*.—When the King's Most Excellent Majesty, the Queen, the Prince, and all the Lords Spiritual, and Temporal, and Commons should have been Assembled in the Upper House of Parliament, upon the 5th of Nov. 1605. suddenly to have blown up the said whole House, &c. They are the *Lay-Commons*, call'd up to the House of Lords, as usual, not the
Clergy

No Inferior Clergy in Parliament at the intended Plot on Novemb. 5.

Such Stuff deserves no serious Answer.

And most
insults,
where he
himself is
most mi-
staken.

Clergy Commons (if they were still a Spirit of Commonalty) their Summons was not to appear till next day ; and before they met at *Paul's*, they could not sure Adjourn to Westminster. Who now makes so absurd a Gloss ? And whose Pen must be ashamed of is. And yet the serious Man still argues on, if they (the inferior Clergy, or Parliamentary Convocation) were then rightly said to be Assembled ; They may as rightly be said to be so Assembled still , as if Assembled in Parliament, why not a Member of Parliament ? — After this mighty discovery i. e. after the most incoherent blunder, that could possibly be made, he must flourish his Victorious Pen over the Head of Dr. Wake. Dr. Wake will be pleased to Answer this Question at his Leisure, and withal to inform us whether among his Late Meditations on the day, this had not been a proper one. p. 276. Our Writer is himself, it seems, a Preacher ; But I hope he makes no such proper Discourses on this day as in his Sermons to Burlesque the Prayers and put a Comment to ridicule the public Office of the Church. He has not yet done with Dr. Wake upon this Head ; but rising into greater Zeal and Vengeance, he concludes thus, That His Function may be some Excuse for his being a Stranger to the Language of the Statute-Book, or of our Manuscript Records ; but not to have as much Law as even his Common Prayer-Book would have furnished him with, is, Let me tell him, inexcusable. Very smart ! and yet the rod is only for himself, and his own Back.

V. To make *Innocent* Jest. and draw no *Blood* from an Adversary, may be thought a *Picquant* way of Writing, tho' not so agreeable to a serious Argument for the Rights of Church and Clergy. However, if the abounding Mr. *A.* had so indulg'd himself, and done it in a neat cleanly manner, it might have reliev'd the Reader, and been Sauce to Dry History and Laws. But when he prosecutes his Adversary to the utmost Rigor, when he prefers Indictments against the *Book*, and the *Author* too; when he calls for Fire upon the *Book*, and Judgments upon the *Author*, for betraying the Rights of Parliaments, for subverting the Fundamental Laws of the Nation, and for endeavouring to introduce Popery and Arbitrary Power. This must be *deadly Feud*. I confess the *Crime* is so great, if the Doctor be guilty, and *Malice* so great, if he be not *Guilty*, that its worth while briefly to Enquire into the Truth of it.

Not Rude-
ness only
but Ran-
cor and
Malice.

He brings
the most
odious Ac-
cusations.

He threatens Dr. *Wake* with a *Convocation* to Examine Him, and Chastise him, (*Pref. p. x. xi.*) And for more effectual Correction, he complains of him to the Parliament (*Pref. ib. Book, 1 Ed. p. 247. 360.*) and at least would have them burn his Book (*p. 247.*) as if the Resentments of that Honourable Body, were bound to attend every little private Pique. But what are the Articles to be Objected against the Doctor, and His Work? Why in *General*, he undermines our Constitution in Church and State (*Pref. p. iv.*) and for Particulars. *First*, He makes the King absolute. *Secondly*, He denies the Parliament Freedom of Debate, *Thirdly*, He takes away the Peoples Liberty to Elect Mem-
bers

And calls
for the se-
verest
Judgment

bers for Parliament. Does he so? He is the Guilty of Treason, unless right-down Madness might Excuse Him; but let our Inquisitor-General prove it.

His First
Charge
Examin'd.

Dr. Wake
no Asser-
ter of Ar-
bitrary
Power.

First, Dr. Wake makes the King absolute. For he makes no distinction between Absolute and Limited Princes; but produces the Authority of one to prove and justify the Exercise of a Power in the other, &c. p. 201. a Position to be reconciled with an Original Contract, with several Branches of the late Declaration of Rights, &c. p. 203. Dr. Wake was no Promoter of Absolute Power in the Last Reigns, as it cannot be upon Principle, that he should do so in this. However what he has Done, we cannot tell; but by what he Writes, there is no such thing appears. Through his whole Book of the *Authority of Christian Princes* &c. he Finds all his Arguments upon the *Laws and Constitutions* of our Government, and seems to advance no Prerogative of the King, but what Statute or Custom do ascertain to Him. He endeavours to shew, that by our own Constitution the King of England has all that power at this day over our Convocation, that ever any Christian Prince had over his Synod. p. 98. and a whole Chapter is purely to shew, what Authority the King has over our Convocation both by the Statute and Common Law: Not only by his own Prerogative as a Christian Prince, but by the particular Concessions of our own Parliaments and Convocations, p. 114. He resolves all he pleads for into right down English Law.

For the Kings Power of calling Convocations, he alledges the *Act of Parliament*, and continual Practice, p. 100. For appointing the Time and Place of Meeting, he refers to the *Kings Writs*, which are antient and legal, p. 102. For the Choice of Persons, he would have it no otherwise determin'd, than by the *same Writs*, p. 103. So likewise for the King's Power of limiting their Actions, he appeals to 25 of *Hen. 8. cap. 19.* and confirms his own Sense of it by *Opinion of the Judges*, p. 114. and by legal *Commissions* of our former Princes, p. 116. And for dissolving a Convocation, He grounds all upon the declar'd *Opinions* of our greatest *Lawyers*, p. 127. If Dr. Wake does say, That the *Kings Supremacy in Ecclesiastical Affairs was an original Right, and only restor'd or reunited to the Crown.* He says no more, than our Statutes and our Lawyers, our Convocations and Divines have alway said. If the Dr. does assert, That our Kings have the same Authority in Causes Ecclesiastical, that the Christian Emperours in the Primitive Church had; this is the very Language of our *own Canons*, and he can be no true Member of our Church that denies it. The Dr. had before challeng'd any one to shew, wherein he has ascribed any more or greater Power to the Prince, than our Laws have given him. (Appeal pref. p. 13.) And again he dares it to be prov'd, That what he ascribes to the King is not a Parcel of that Jurisdiction, which was once enjoyed by the Kings and Princes of this Realm, and did always of Right belong to them. (Appeal, p. 112.) As to the dangerous Politick, which this Gentleman to Brand him, has put into great Letters, THE LEGISLA-

But grounds all that he asserts upon Statute and Custom.

TIVE

The Artifice of Mr. A. in putting into great and black Letters, what is very innocent and true.

Dr. Wake on the extent of Royal Power is very moderate and modest.

TIVE POWER IS LODG'D IN THEIR HANDS (*i. e.* of Princes) SO THAT THEY MAY MAKE WHAT LAWS OR CONSTITUTIONS THEY THINK FIT FOR THE CHURCH AS WELL AS THE STATE. The Doctor speaks here of Supreme Powers *at large*, and by no means of *English Kings*. And therefore the Citation should not have been put into a distinguishing Character of *Blackness*, as if it struck at the Foundation of our own Government; to which it no way related. The very Mr. A. cannot at last forbear to own, that indeed the Doctor is *Speaking here of the Power of the Prince at large, without pointing his Words particularly on England.* (Pref. p. 5.) But why then does this Transcriber point them particularly on England, and dress them up in a Figure to Fright the *English Reader*? As to the other Expression put likewise into Letters great and black, that a Canon drawn up by a Synod, is but as it were MATTER PREPARED FOR THE ROYAL STAMP. Where is the Falshood, or even impropriety of such a Saying? After all the heavy Charge of asserting the Kings *Absolute Power*, Dr. Wake does not assert to him so much Power, as unblemish'd Authors have heretofore done. Even this Authors Friend, the Letter Writer to a Convocation Man, ascribes more Power to the King in this very Point of Convocations: For, says he, the King has Power to make the Canons of a Convocation to be Laws without a Parliament, and this Gentleman never reproves his Friend for it, whereas Dr. Wake is Modest and Cautious. For the Obligation of Canons, when confirm'd by the King, he seems nice

nice to a Fault, and puts the *Parliament* expressly in, p. 128. Concerning the King's Power to make Ecclesiastical Laws, he positively requires the Advice and Consent of the Parliament, to enable him so to do. p. 136. and he allows all Canons and Constitutions, even after Royal Assent, to be not Obligatory, if they are against the *Common Law*, or any Statute Law, or any Custom of the Realm. p. 129. In short for Dr. Wake's Notions of *Absolute Power*: Let me recite one Passage in a Printed Sermon of his on Ap. 16. 1696. a Day of Thanksgiving for preservation of his Majesty's Person, &c. p. 9. If ever it may be lawful for any People, to provide for their own Safety: If the Constitution of a Limited Monarchy, be not a meer Notion, that has neither Meaning nor Privilege in it: If a Nation govern'd by Laws of its own approving, and that never engaged to obey any Sovereign, but what mutually oblig'd himself to Rule according to those Laws, has as just a Right to the Legal Government of the Prince, as the Prince has to the Legal Obedience of such a People.—If our Monarchy be in the very Frame and Constitution of it a Limited Monarchy: And Established, not upon the Imperial Laws of a few visionary Politicians, but upon the Fundamental Laws of its own Making or Allowing; Then I must solemnly profess, that either I am incapable of judging what Sense and Reason is, or it must follow, That an Absolute Monarch, a Prince not bounded by Law, but governing only by the Arbitrary Motion of his own Will, is no King of our Acknowledging, our Constitution knows no such Monarch, nor did we ever oblige our selves to obey such a One.

The judgment of Dr. Wake on arbitrary Power.

I am satisfied *Dr. Wake* is none of the Men for *Absolute Monarchy*, or *Arbitrary Power*. I should rather have suspected, that this *Answerer* by Advice of his Friends, would have represented him the other way. But I see, it is a pretty Art to know what Accusations are most in *Fashion*, and best suited to Belief and Odium. Perhaps if *Mr. A.* had wrote in *another Reign*, he could have accused *Dr. Wake* of Popular Notions, and Republick Principles, pernicious to the *Sovereign Power*, and *Imperial Crown* of this Realm. But *that* would not now serve the purpose. If *Dr. Wake* Writes always decently, and upon occasion honourably of his present Majesty, it becomes him so to do, if for no other Reason, because he is *Chaplain to the King*, and so especially a Sworn Servant to Him. One of His Majesty's *Chaplains in Ordinary* should be tender of his Royal Master's honour, and let fall nothing, that can tempt to an ill Construction. *Dr. Wake* has kept within such bounds of Duty and Good Manners, and can be taxed with no scurvy Expressions. A very convenient Right for Princes that meditate new Schemes of Church-Government (Rights of Convocat. Pref. p. vi.) Disaffection to the Government is a Word only, or a Reproach taken up on purpose to justify premeditated designs of oppressing Men, ib. p. xx. whatever hardships or Grievances They (i. e. The inferior Clergy) may lay under from their Ecclesiastical or Civil Superiors, as 'tis possible, for for them to suffer from either. (Book p. 101.) Good Princes, who had the Hearts of their People, and were known to be intirely in their Interests, have been permitted to carry their Pre-

Dr. Wake
does write
with due
Respects
of his So-
vereign
Prince:
His An-
swerer do's
not so.

rogative:

rogative to an height that has been withstood in more suspected Reigns. p. 146. If many such like hard and invidious Passages had been to be cited from the Writings of Dr. Wake; Some Answerer or other would have given him a sharp Rebuke, for daring to be so much as *Ambiguous*, where *disaffection* might turn the *Sense* to the King's Dishonour.

A Second Article against Dr. Wake is, That he denies the Parliament Freedom of Debate. His Adversary indeed charges this Home upon Him: He repeats the Passage, and Prints it each time in Great Letters to make the Blot conspicuous and indelible. The Parliament it self in the main part of their Debates, is as much tho' not so necessarily directed by the King, in what he would have them consult about, as the Convocation. (*Authority of Christ. Princes. p. 289.*) If the Answerer had Cited this Passage fully, and brought in the Occasion and Connexion of it, he could have found no Restraint in the World laid upon our Parliaments freedom of Debate. The Doctor is there shewing, That the Convocation has never the less freedom of Debating, because the King limits the Subject of their Debates: For the Resolutions may be their Own, tho' the King declares to them the General Matter, upon which they are to Consult p. 289 This the Doctor proves from Parallel Instances; and to close All, he would infer, 'Tis absurd to imagine, that a General Direction to do a thing, takes away the liberty of doing it: says he, *What strange Notions of Things must a Man have,*

Dr. Wake
denies
that the
Parliament
has freedom
of Debate
Mr. ...
charges
on Him.

who argues at such a rate as this? He might upon as good Grounds affirm the Parliament it self not to be free, as he had deny'd the Convocation to be so, because that in the main parts of their Debates, that also is as much, tho' not so necessarily directed by the King, in what he would have them consult about. Does This at all affect the Freedom of Parliamentary Debates? No otherwise, than as it asserts that Freedom by Arguments Grounded upon Fact and Law. The King calls a Parliament: At the beginning of the Sessions, he lays before them the business, for which they are especially call'd, and concerning which he expects and requires their Counsel and Help. This is the *End* of their Meeting, as the Writ of Summons does Express; and this is the *Form* in being met, as every Body knows. Is it then any harm to say, that a New Parliament are directed by the King, in what he would have them consult about. Ay, but not in the main parts of their Debates! Why Yes truly, the Reasons for which Parliaments are call'd, upon this or that Juncture, and those Reasons declared by the King at the beginning of the Sessions, may be well presum'd to be the *main Parts of a Parliaments Debates*. And while they are said to be the *main Parts*, it is to be suppos'd, they may Debate of other Matters, which the King does not propose to them. But still says the *Answerer*, it is a ridiculous, or else a dangerous distinction of the Doctor's, that the Parliament are AS MUCH, tho' not AS NECESSARILY, directed by the King, as the Convocation are. This distinction, if understood, is on purpose to secure the Parliaments *Absolute Freedom* of Debate. For if They are fully directed, yet they

they are by no means *restrain'd*. They have a greater Freedom, than he thinks the Laws have now left to a Convocation. For the Parliament may be only *directed* to Debates, the Convocation must be *Licens'd* to them. And let the Parliament be never so much *Directed*, they are not *necessary Limited*, as he supposes the Convocation to be, by Statute, and by consequent Custom. Who but a Man of *Depth* could have fetcht up this Sense of denying the Parliament *Freedom of Debatee*? When the very Ground of the Doctor's Argument in that place is built upon this Supposition, the Absurdity of thinking, the Parliament should not have an Absolute Freedom of Debate, though the King may in General direct them. Certainly Dr. Wake is as just and generous to Parliaments as any Writer. He cannot be satisfied with what the Author of the Letter had advanc'd, That the Convocation is of the same Power with regard to the Church, that the Parliament is in respect of the State. No! He thinks a Convocation limited; But a Parliament not subject to any such Limitations: Its Power is Arbitrary and Uncontroulable. p. 274. From whence, by the way, observe, That the Answerer Argues deceitfully, when from the Doctor's denying an Absolute liberty to Convocations, he would infer, That the Doctor by his Principles must deny the same to Parliaments. No! He proves Restriction and Limitation upon One: He affirms the Other to be uncontroulable. Again, he makes this the main difference between a Convocation and Parliament. This especially, the Power of the Parliament in making Laws is free and unbounded, whereas the Convocation is by Authority of Parlia-

The Liberties and Authorities of an English Parliament are fully asserted by Dr. Wake.

ment determin'd both in its Principle and Power of Acting (Author. p. 276.) This difference between them he Finds upon the Laws and Customs of the Realm. p. 277. He declares his Opinion freely, that there will be always more need of frequent Parliaments, than of frequent Convocations. *ib.* and implies, that for One there are express Laws, but none for the Other. All this the Doctor had declar'd, before he delivers the Passage, which so much offends the Answerer, enough to prevent his untoward sense of it. Afterwards the Doctor secures himself again from any such interpretation of it. *As for what is here again urged from the Rights of the Parliament; it may suffice to say, that neither does the Parliament lie under the same Restrictions, that the Convocation does; nor can it with any consistency to our Constitution, be suppos'd that it should do so. The Parliament acting in Concurrence with the King, have the Legislative Power in their Hands: They neither are restrain'd, nor is it possible they should be, p. 284.* After all these Declarations of Parliamentary Rights and Liberties, to Mark out Dr. Wake for an Enemy to Parliaments, was not a reasonable, nor a fair Thing. No one Expression of his to Countenance the Censure; very many to disprove it. If Dr. Wake indeed had said, What is to be found only in the Answer to him, as a thing certain, (said often, and now once again repeated) that the Parliamentary Interests, and Privileges of the Commons Spiritual and Temporal run even always, or at least were never far asunder. (Rights of Engl. Convocat. p. 313.) then possibly the House of Commons might Examine this Report, whither ever they run even, and how far

Mr. A. is
Himself
more bold
with Par-
liamentary
Rights.

at least they are now *asunder*. Or had Dr. Wake told them, That the Clergy have a Right, not only to be summon'd to Convocation, and actually to assemble, be form'd into a Body, and fill the Chair of the Lower House; but if they have any Petitions or Motions to make in Church Matters, they have a Right TO SIT SO LONG as till they have made them. (Rights Convocat. p. 267) Then again the Commons might take Offence, for his Claiming an equal Right, perhaps a greater Right than they themselves desire, a Right to sit so long, as till they have made all Petitions or Motions they have to make. Let this Gentleman be never so Artificial in his Addresses to that August Assembly: Yet an English Parliament are wise enough to know, that a Convocation of his Making, an Ecclesiastical Synod with every Parliament, actually to assemble and form themselves into a Body without the King's leave, with a Right of sitting so long, as till they have made all Petitions or Motions which they have to make. Such a Convocation, if it should ever happen to consist of New Modelling Men, might in time be as troublesome to a Parliament, as to a Prince; and would but shake and weaken the happy Constitution of our Church.

A Third Article against Dr. Wake is This. He denies the People their liberty to Elect Members of Parliament. Let not the Burghers and Freeholders know it, least it expose the Doctor to such a popular Treatment, as, I hope, our Author did not mean to suggest. But how is this prov'd against Him? Why, the Doctor says, that the choice of Persons composing our Convocation is determin'd by the King's Writ; which implies, that his Writ might determine the

Dr. Wake
do's not
deny the
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Elections,
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any
grounds
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charge
upon him.

Choice otherwise, that he might order more, or fewer to be sent up, or New Ones to be return'd in the Room of those Elected.—And if he can deal thus with our Convocation Writs and Members, what hinders, but that he may deal thus also with those of Parliament, &c. Consult Dr. Wake's Book. *Author of Christ. Princes*. p. 103. He only Argues, that the Choice of Persons to come to Convocation did originally depend upon the King's Writ, and still do's; for the King by Writ requires the Archbishop to Summon the Bishops, with the Deans and Archdeacons to come in Person, and the Chapters to send One, and the Rural Clergy Two to represent them. The Persons being thus specify'd in the Writ, are by the Writ so far determin'd: For no other Persons have a Right to come, but such as are in particular Nam'd, or in General allow'd to be chosen. This is undoubtedly our old and present Constitution. But says the *Answerer*, This implies, that the King's Writ might determine the Choice otherwise, that he might order more or fewer to be sent up, or New Ones to be return'd in the room of those, whose Temper he shall not approve of, and whose Prudence and Conduct he cannot safely confide in. (Pref. p. ix.) There is great sharpness in finding out *Implicit* Sense. But I am confident the words of Dr. Wake do imply no such thing. Absurd and Impossible to be *Implied*! If I should say, the King's Writ to the Sheriff of London requires Four Citizens to be duly Elected to serve in Parliament, and so far determines the Choice of *Four*. Shall I be thought to imply, that the King may order more or fewer to be sent up, or new Ones to be return'd in the Room of

of those, which shall be so Elected? A ridiculous Implication! The youngest Apprentice there would understand better Things, and better Sense. Had not Dr. Wake well enough interpreted his own Meaning? Had he not cut off the Answerer from suspecting any such Matter could be implied! See his Appeal, &c p. 113. *I assert, that the very persons, who meet in our Convocations are determined and impowered by the King's Writ, and that none have a right to assemble, but such as he calls by it. Let the Writs of Summons be examined. And still I do not suppose it to be now in the Power to alter this Form, yet the Sovereign Legislature Authority, may without Controversy, and appoint any other Method of framing the Lower House of Convocation, that should appear to be more proper and expedient. Does this infringe the liberty of Electing Proctors for the Convocation? Truly, No otherwise than by giving the Clergy leave to Elect them. However, does this any way debar the freedom of choosing Members for a Parliament? Yes, says the Answerer, for the King's Writs do alike determine the choice as to both these Meetings. Very true! The Writs do alike determine the Choice, and therefore do not at all restrain the choice: They determine the Numbers for such and such places, not the Persons in such and such Places: They tell not who, but how many. This is, as the Doctor terms it, directing, and so far determining the Choice, but with no other Limitation or Restriction of the Men to choose, or the Members to be chosen. There have indeed been Times to serve, (especially under the*

Dr. Wake
no Enemy
to the
Regular
Choice of
of Convoca-
tion
Members.

the Reigns of K. *Hen. VIII.* and Q. *Mary*) when the Electors in Counties and Boroughs have been over aw'd by Court Letters, and in effect by very *Mandates* sent down to recommend and even nominate the *Acceptable Men*. We have some Original Instructions and Precepts still remaining. But, we thank God, there is no such thing *Now* Practis'd or Attempted ; and therefore no such thing ought to be *Now Implied*, as if (for so the Answerer concludes his *Implyings*) it were to make an End of our *Constitution*, whenever a Prince arises that has any ill *Designs* upon it.

Dr. Wake
no Asper-
fer of the
Clergy.

VII. It is plain Dr. *Wake* is no Enemy to Parliaments and the People of *England*, however it may please this Answerer to make the World believe so. And therefore I hope this Adversary of his may have as little reason to charge him with *aspersing the Clergy*, and casting *Injurious Reflections on them*. (Pref. p. xii.) If Dr. *Wake* were indeed such a false Brother, as to Calumniate the Fathers of his Church, and run down his Fellow-Clergy into extreme Contempt and Hatred : If he thus betrayed his own Function, and delivered up the Honour of his whole Order. This had been base beyond Excuse. And therefore thus the Answerer would represent Him, as *dealing worst of all with the Clergy of his own time*. Pref. p. xiii. and being so *contumacious in his way of treating them*, that had he not inform'd us who he was in his Title Page, we should have guess'd him rather to have been of the Cabal against Priests and Priestcraft, than one of the Order. Pref. p. xiv. To strengthen this Prejudice, the Answerer in his Preface draws up a long Roll of Dr. *Wake's* Re-

Reflections on the Clergy, which if single and by themselves are possibly no such hard sayings; but yet when Muster'd up together, they make a frightful Figure; and may prove *Accumulative Treason*, tho' the *particular* Objections be nothing. A subtle Plot, that has indeed taken much of the design'd Effect. For the *honest Clergy* being told, they were grossly abus'd by Dr. Wake, and being pointed to such a heap of Darts and Arrows at them; as Men justly tender of their Reputation, They naturally took Offence; and if they enquire no farther, will think him their upbraiding and insulting Enemy, will have no Mercy, no Charity for him. This prejudice, I know, did mightily obtain. Worthy Men of Holy Orders, without considering the difference in point of Argument, immediately agreed, that the Two Writers differ'd in Respect and Civilities to *them*: That *One* was their Adversary and Accuser, the *other* was their Friend and Protector. And except they read both sides, and consider, such prejudices among them may be long fomented. But what is it that convicts Dr. Wake of such Treachery to his own Order! Is his Life and Conversation a standing Reproach to the Profession? Does he so much as indulge himself in liberties indecent to the Gown? Then indeed he betrays his Function. The loose Liver is an Offence in every Eye, and a Scandal to all that hear the Reports of him. Let him be never so Orthodox, the immoral Practices make Tenets and Opinions insignificant. Let him talk high for *Church*, he is nothing but a disgrace to *Her*. I'll presume Dr. Wake is not found guilty of bringing this shame upon his Function; because I don't know this,

A Clergy-
man can
never
abuse his
own Or-
der more
than by an
ill Life.

The next
Scandal in
a *Divine*,
is to be a
Rude and
Railing
Writer.

this Answerer does charge it on Him. It is not his singular way of Living, but of Writing, it seems, that casts so much Aspersions and Reproach upon the Clergy. What is his way of Writing? Does he take up a New Mode of Railery and Witriness? Does he flourish in Investives, and draw out his Adversary in all the thick Colours of *Knave* and *Fool*? Does he abound in Turns and Repartees, with a Levity beneath the *Divine*; and rise into fits of Wrath as unbecoming a *Christian Spirit*? This indeed has been a Modern way, that does effectually expose the Function. Scepticks and Atheists stand by, and exalt themselves against Religion; while the *Priesthood* is employ'd to ridicule one another. But neither is this the Genius of *Dr. Wake*, he has more of the grave and serious Writer, or else he might soon live to see his Books *Buried*, before his well-wisher can have them *Burnt*. For such smart Pieces do but entertain like a *Jest*, that will not bear Repeating. They are diversion to a wonder for Eight or Nine days; *Then* they fall upon the Reader, and the very Booksellers are afraid to lose their *Season*. Well! But *Dr. Wake's* Crime is, That on his late Subject of *Convoations*, he has let fall many Reflections upon our present Clergy, as they are set in Array against Him, in *Preface to Rights of Convocat.* p. xiii. xiv. As to this Matter, I must not trouble my self to go over the long Train of Citations, and extenuate the sense of them. There be two short Pleas, either the *Doctor* bears hard upon the *Clergy of England* in General, or else in particular upon a small *Party* of them. If upon the small *Party*, and as he is pleas'd

to

to say, a *Little Noisy Turbulent Party*; Let them Answer as of Age, or rather let them confute his Character of 'em by their own Behaviour. But if he mean his Rebukes upon our *Clergy in General*. We must own, that every Age has had some Clergy-men loose and disorderly. Nor can our Church, when her Discipline is weaker, pretend to a perfect Reformation of her Sons. The Old Fathers so complain: The best Modern Writers lament the same: And to the End of the World, Men of Piety will scarce refrain from deploring the like unhappy Truth. If D. Wake fell sometimes upon this common Topick; I hope he did not condemn *All* for the sake of a *Few*. Sure he thought the *Innocent* to be still a greater number than the *Culpable*. Therefore he ought to have qualify'd his Expressions, and to have rightly confin'd his Reflexions. He does so. He speaks only of the ill *Conversation and Examples of SOME of those that wait at the Altar*. [Author of *Christ. Prin.* p. 333.] *SOME of those who are much fitter to be cast out of the Church, than to officiate in it*, Pref. p. 8. God knows, it is a Truth; and I think to confess it modestly, is a very ingenuous Part in any Clergy-Man. For the more our Clergy vindicate the Infirmities of *SOME* among themselves; the more will they be *ALL* expos'd to the Obloquies of the People. But, says the Answerer, *As to the Charge of Immorality, it runs high indeed, but 'tis to be hop'd that it is Groundless*. For were there so many Men of Scandalous Lives among the Clergy, sure the Fathers of the Church, who have the Inspection of their Manners, would ere this time have made publick Examples of several of them. I cannot think that
their

No Re-
proach to
the Cler-
gy in ge-
neral, that
some of
them are
a shame
to their
Function.

*their Lordships have been so far wanting in their Duty to God and the Church, as not to have let the Laws loose upon such Offenders, if they knew them. And till they do so, this Censure of Dr. Wake's must pass for a scandalous Reflection, both on their Lordships and his Brethren, Pref. xv. xvi. Nay, but no Reflection on their Lordships. For they have exerted their Power up to the Laws, and as it were beyond the Laws, where there seems a Defect in them; Endeavouring, if possible, to keep out scandalous Clergy Men from the Cure of Souls; and where they are unhappily possess'd of Cures, to suspend them; and, if the Laws will bear it, to eject and deprive them. Many publick Examples have been lately made, and more would be made Daily, if there were not too obvious Reasons, why it cannot be altogether done. So as the Doctor's Reflection is not on *their Lordships*, but indeed on such of his *Brethren* as are Irregular and Scandalous: Unless the Reflection may extend farther, to the want of better Discipline, and a fuller Power in the Church over her own Clergy. In the first Convocation of this Reign, it could no way obstruct Proceedings in it, that a Constitution was to be provided for the more effectual restraint and punishment of irregular and scandalous Men in Holy Orders. I am for a Convocation, and such a new Canon. To conclude, Dr. Wake is however tender and dutiful in treating the Governours of our Church, if he does censure and reprove *some* of those Clergy that are subject to them. He does not make broad and rude Insinuations against the Metropolitan, as in *Rights and Powers of an English Convocation*, Pref. p. viii. xix. Book, p.*

Mr. A. is
extremely
more free
in his Re-
flexions.

15. 430, 456, &c. He does not let his Pen loose upon the whole Order of Bishops, as *ib.* p. 303. Nor does he Talk so generally of False-hearted Clergy-Men, p. 330. &c. At least, He ought not to have reprov'd another, if he himself had done this *same Thing*.

VIII. But further, It is a more grievous Charge against Dr. Wake, that he not only affronts the Clergy, but that he would *pull down the Church, by undermining the Constitution of it*. I question any such Intention in the Doctor, not only because this Gentleman says it, but because such a Design is right down Villany, and more abominable in a distinguish'd Divine of that Church, whose Ruins would fall upon his own Head. Yet the Objections are put thus hard upon him. *His Blow directly levelled at the Rights and Liberties of the Church*, Pref. p. iv. *a Betrayer of Church-Rights*, p. 136. *A John de Mettingham*; *a Church Empten and Dudley*, and All the Names that are odious. It is hard, that Men must be call'd Traitors, *because* it is an ugly Word: And Traitors to a Church, *because* they are not in the Interests of a Party: Nay, and a Traitor to the Church of *England*, upon the prospect of being made a Bishop in that Church; as if those Dignities were to be *now* the reward of Ecclesiastical Treason. This is a surprising cast of Charity to Dr. Wake, and indeed to *All* that are concern'd in filling up of vacant Sees: As if from *this* time, None shall be advanc'd to the Government of the Church, but those who will conspire for the Destruction of it. An ill Name to those, whom their Superiors shall think fit to be prefer'd; and a di-

Upon
A. B. Bi-
shops, and
the whole
Clergy.

Dr. Wake
no Tray-
tor to the
Church,
as Mr. A.
reflects
with no
Regard to
Truth or
Manners.

distinction of Pride to such, as shall think themselves not enough considered.

Dr. Wake
is able to
do Justice
to himself
and his
Cause.

As to the particular Infamy cast on Dr. Wake, the World is said to expect, that he should do Himself and his Argument some farther Justice. And then no doubt, the *Doctor* will acquit himself from any suspicion of Malice to his Mother Church; and shew himself as tender of her true Legal Rights and Liberties, as any Man whatever. Perhaps indeed with this Opinion, That the readiest way to divest a Church of her remaining *Legal Rights*, is to assume and challenge Rights that are *not Legal*. In the mean time, out of pure Respect to the Liberties of Church and Clergy; I must needs observe, that to my Apprehension, Dr. Wake has said less against the *Rights, Powers and Privileges of our English Church and Clergy*, than even this profest Asserter and Defender of them. Mr. A's Admirers will not believe it, yet a little Patience will prove it.

Mr. A.
do's much
betray the
Rights of
the *Chri-
stian* and
the *Eng-
lish Ch.*

Dr. Wake does not triumph over the Loss of any old Liberties of the English Church; but is content with the matter of Fact, that those Liberties are now in many Points restrained, and we must submit to the Laws that have made it so; at least till the legislative Authority think fit to restore us to the free exercise of some *Ancient Powers*. This is prudent and modest in an English Divine. It favours well of Peace and Truth. But his *Answerer* is One, who tells the Church of England, she deserves to loose the *old Privileges and Prebendalities of her Clergy*; and ought to rest satisfied with her *competency of Power*, and her *moderate Pretences*. If Dr. Wake had so insulted the

poet

poor Church, methinks he had been as bad, as this Gentleman makes him. But hear this Defender's upbraiding Declaration. *It is so far from being in my Intention, that it is not in my Wishes, to set up a Plea for any of those old Priviledges and Preheminences of the Clergy, which are long since Dead and Buried; and which I think ought never to be reviv'd, even for the sake of the Clergy themselves, who have thriven best always under a competency of Power, and moderate Pretences,* p. 64. How! No Intention, nor so much as Wishes for a more flourishing Church? Alas! there were some good old *Priviledges and Preheminences of the Clergy*, that were not Popery (it never was a Privilege of the English Clergy, to be subject to the See of Rome) which did better keep up the Discipline of the Church, did more fully exert the Power of the Keys, and in short, did sufficiently maintain the Interests of Religion, and the Honour of the Clergy. Such I mean as related to *Excommunication, to Penance, to the Jurisdiction of Bishops; to Spiritual Courts, and even to Parliaments and Convocations.* Which Priviledges, tho' they are *Now Dead and Buried*; yet we would be thankful for the Laws that should *revive* them: And we would hope, the Clergy might thrive as well under a little more *competent Power, and Pretences* not altogether so *Moderate*, as this deriding Writer, and this declining Age have made them. We submit to the Dispenfations of Providence, and to any reasonable State of Things; but we need not say, *We can be no better*: We need not boast of Perfection, and deny our being capable of greater Happiness: We need not forbid the Parlia-

Mr. A.
runs down
the Power
and Pre-
tences of
the Cler-
gy.

ment to give us any redress ; or tell them the Clergy would not thrive, if they had a little *more Power.*

No need
of Ha-
rangues
upon the
Act of
Submissi-
on.

Then as to the Act of Submission of the Clergy, 25 H. 8. that first tied up the spiritual Hands of our Metropolitans within their respective Provinces. I do not remember, that Dr. *Wake* makes any great Harangues upon this Submission, nor upon the Statute in pursuance of it. He does not dwell so much upon the Equity of the Act ; but he proves the Obligation, and there in Law leaves it. Because perhaps he might think, this *Submission* was a little hardly obtain'd, by a Prince of excessive Power, and in a time of *SOME* ill designs ; and however Safe and Expedient for Us, under Princes of our own Faith and Communion ; yet under the Government of Hereticks and Heathens, it may lay too hard a Yoke upon the Church, when the Archbishop shall have no power to assemble the Bishops and Clergy of his Province, nor they any liberty to attend him (without a *Præmunire*) let the Necessities of the Church be never so urgent, and Christianity it self in utmost danger. Dr. *Wake* who pleads for present Submission, seems aware of ill Consequences, that might arise in future Times of Tryal. And therefore for all this *Act of Submission*, he would not have our Princes think, that the Convocations of the Clergy should depend on their meer Arbitrary Will, but on the *benefit of the Church*, and the great Occasions of Religion ; he says, p. 145. *Notwithstanding any thing that has hitherto been said, I shall not doubt to affirm, that whenever the King is in his own Conscience convinced, that for the Convocation*

to Sit and Act would be for the Glory of God, the Benefit of the Church, or otherwise for the publick Good and Welfare of his Realm ; He is obliged both by the Law of Reason, as a Man ; by his Duty to God as a Christian, and by his Duty to his People, as a Ruler set over them for their Good, to permit, or rather to command his Clergy to meet in Convocation, and transact what is fit, for any or all these Ends, to be done by them. But this perhaps resolves the Meeting of Convocations into the King's Conscience, which however proper for a Divine to charge upon the Conscience of his Prince, yet it may not be accepted for Security by some Men ; therefore to satisfy These, Dr. Wake does further Agree, That the Church has a Right to have its Convocation call'd, as often as the Parliament is assembled. And that the Convocation thus call'd has a right to Sit and Act, whenever the Circumstances of the Church require it so to do, This he allows also. p. 269. But what if the King should deny them this Right ? Why then, Dr. Wake is bold to say, the King does abuse his Trust. p. 267. when the Exigences of the Church call for a Convocation — I confess the Church has a right to its Sitting. And if Circumstances be such, as to require their frequent Sitting ; during those Circumstances, it has a right to their frequent Meeting and Sitting : And if the Prince be sensible of this, and yet will not suffer the Clergy to come together ; in that Case I do acknowledge, that he would abuse the Trust that is lodg'd in him ; and deny the Church a benefit which of right it ought to enjoy. Nay, and after all this, Dr. Wake has entered in a manner, a Protest against the literal severity of the Act of Submission. He has made a Salvo for an in-

Dr. Wake
and his
Friends
are for the
Church
having in-
herent
Right to
Convoca-
tions.

And in
Cases of
Necessity
even in-
dependent
on the
Civil
Powers.

Mr. A.
Admires
and Ap-
plauds the
Submissi-
on Act.

herent Right of the Church, as a Body to preserve its own Being ; and when it is necessary for that purpose, he grants the Church a power of Assembling in Council, and making proper Decrees, without the Call, and even against the Command, of Secular Princes, who shall be Tyrants and Persecutors. And this Necessity shall excuse them from the Sin, if not from the Penalty, of transgressing this or any other Act of Submission or Restraint. As p. 45. *And 'tis enough to Answer all Pretences of this Nature to say, that whenever the Civil Magistrate shall so far abuse his Authority, as to render it necessary for the Clergy, by some extraordinary Methods, to provide for the Church's Welfare, that Necessity will warrant their taking of them.* I like these Principles extremely well, and sure, my Church of England Brethren All approve them. For they are indeed as *High* as need to be, for the Self-preservation of a *Christian Church*, and for the Peace of a *Christian State*. Who can desire *More*, who would have any sort of understanding between the Ecclesiastical and Civil Powers? Who would not make the Church of her own Choice as independent on the *Christian Magistrate*, as of Necessity it was upon the *Heathen*. Of which number the *Answerer* to Dr. Wake does not seem to be One. For he justifies the Act of Submission to the highest degree : He is fond of it ; He would by no means have it Repeal'd, nor so much as a Permission or Design to Repeal it. As p. 112. speaking of some Petitions to the Upper-House of Convocation in Queen Mary's time, in which one Article particularly prays, *that the Statute of Submission might be Repeal'd,*
and

and the Church restor'd in Integrum. (Burn.Hist. Ref. P. 2. B. 2. Coll. num. 16.) No ! says this Gentleman. *The Clergy no more stand in need of these Instances, than they would joyn in these Designs and Petitions. The Statute of Submission is none of their Grievances, nor do they ask or wish a Repeal of it.*—They know indeed that the Reflexion which a Right Reverend Member of *Theirs* once made upon this Statute was : That the extreme of raising the Ecclesiastical Power too high in the times of Popery had now produced another of depressing it too much : So seldom is the Counter-poize so justly ballanced, that extremes are reduc'd to a well-temper'd Mediocrity. (Bishop Burnet's Hist. Vol. II. P. 49, 50.) But as they are not sure, that this is his Lordship's present Opinion, so they are certain it is none of *Theirs* : For they think their Power as great as it need to be, if it be not made less than it really is. Note, He talks All this in the Name of the Clergy, as if he were Prolocutor of a Lower-House ; when yet he does not Report Fair, nor declare the Resolution according to Majority. For I scarce think, one half of the Clergy are so very proud of their Forefathers Submission, as to take it for no grievance at all, nor so much as to ask or wish a Repeal of it. I observe this Writer undertakes very often for the *Wishes*, as well the *Requests* or *Petitions* of the Clergy, when yet a *Wish* may be a *Natural* Thing, while a *Request* or *Petition* is *Political* : And People cannot forbear sometimes to *Wish*, what in Policy they would not *Petition* for, least an open Repulse should upbraid their secret *Wishes*. But says he, *This Statute of Submission is none of the Clergies Grievances.*

Contrary
to the
sense of
our Or-
thodox
and Loyal
Clergy.

We may
submit to
an Act,
and yet
wish it
Repeal'd
or Qua-
lify'd.

vances. But what if Princes of another Com-
munion, or of no Religion should arise, and
proclaim the Tenets of Heresy or Blasphemy;
and not suffer the Clergy to meet for the Com-
mon Measures of Union, and holding fast the
Faith: But dare the Governors of the Church
into a *Premunire*, and take the first advantage
of it upon them and all their Clergy. Would
not this Statute be then a little Grievance?
And would not wise Men *wish* well to Poster-
ity, as well as intend their present Safety?
The Act *de Hæretico comburendo* was no Grievance
in Protestant Reigns, and People with-
out thinking, never so much as wish'd the Re-
peal of it. Yet the *taking it off* may in time
prevent some Flames that would otherwise
have broken out. The Reflection of Bishop
Burnet is very Just and Good. And what need
the Relater of it carp and say, *But as they* (the
Clergy) *are not sure that this is his present Op-*
nion, so they are certain it is none of Theirs. I
rather believe it is his *Lordship's present Opinion*,
and I am certain it *ought* to be *Theirs*, and is
so, if the Wise and Judicious are taken in. But
it seems they (the Clergy) *think their Power*
as great as need to be. Those who grasp at a
power in *one* thing, usually abate it in *another*.
Take most People out of their own *Extremes*,
and as to other Matters they are for *Moderati-*
on. 'Tis so indeed with this Writer: He
would strain the power of the Clergy above
the King's, in point of *Convocations*; but as
to all *other Rights*, the Clergy-power is great
enough, *as great as need to be.* Mr. *Atterbury*
had liberty to speak his *own* Mind; the fault is
to speak in the Name of the whole Clergy.

Then

Then again, as to the *Parliamentary Interests* of the *Clergy*, this Answerer would pretend to be an Advocate for them; and upon that very *Point*, to run down his Adversary into Falshood and Treachery: when Dr. Wake is on the Clergy-side, by affirming, That the *Convocation as it is an Assembly of the Clergy called by the King's Writ, directed to the Archbishops, and by their Order grounded thereupon, is an Assembly altogether different from the Parliament of this Realm, and evidently no Member of it.* p. 250.

Dr. Wake is for the true Parliamentary Interest of the Clergy.

This is Truth, and this is Liberty of the Church. For such an Ecclesiastical Synod may be Summon'd out of Parliament, and held before or after Parliament, with no dependence on it: And the Articles or Canons with the King's consent may be as valid, as the Authority of the Church in *Conscience*, or the *Stat. 25. H. 8. in Law*, shall make them. But this Liberty the *Answerer* does not contend for, nor so much as grant. For he makes a necessary Connexion between *Parliaments* and *Convocations*, and obliges the *Latter* to attend upon the *Former*. Now if a *Convocation* must be alway an Attendant on the *Parliament*, and never Assemble but upon such *Attendance*: This intirely takes away the King's Authority, and the Church's Right, to hold a *Synod* upon extraordinary Junctures, when a *Parliament* is not Sitting; and when for that very Reason, the Bishops are more at leisure to consult and determine of the Affairs of the Church. This Negative Notion of his, That *English Convocations* are not to be held without *English Parliaments*, does not only deprive the Crown and the Church of a Right, that upon some extraor-

Proper
Church
Synods in-
dependent
on a Par-
liament.

dinary Occasions, may be convenient, or even necessary to be exerted : But it has an evil Retrospect, and condemns some of our Synods since the Reformation : As particularly the National or Universal Synod, conven'd by Writ of *Hen. 8. Dat. 6. Jul. 1540.* without any reference to the Parliamentary Call of them ; and yet being no less an Ecclesiastical Synod, tho' not in this respect a Parliamentary Convention of the Clergy. The Truth is, as our *Convocations* were intended for the King's Temporal Assistance, and the Civil Rights of the Clergy, they were properly Summon'd with or near the Parliament, and so far made a Part of it. And as they are still Summon'd with every *Parliament*, it is upon the old Supposal, that they have some concern there, to Aid the King, and Maintain their own Civil Rights. But as our *Convocations* were proper Ecclesiastical Councils, to Debate and Define the Matters of Faith and Spiritual Discipline, they bore no Relation to a *Parliament*, but were rather inconsistent with it, because the Archbishop was not inclin'd (and if he were so, was sometimes expressly prohibited) to call his Suffragans and Clergy to a *Synod*, when the King had occasion for their Attendance in *Parliament*. So still, our Ecclesiastical Synods to be Summon'd by the King's Writ to the Archbishop, are not confin'd to Parliament-time ; They may be then held, but they may too at other Seasons, if the Exigence of Affairs shall so require. And to deny that Right, or omit the Claim of it, in a proper *Defence of the Rights, Powers, and Privileges of an English Convocation* is not to the Liberty or Honour of our *English Church*. I observe another Notion of this Writ,

tax;

ter, which I think is not so much to the freedom of *Church and Convocations*; that is, that the *Lords and Commons have a Right to be attended by the Clergy* p. 45. He means as he abundantly implies, that so long as a *Parliament* Sits, so long they have a right to be attended by a *Sitting Convocation*. Our late *Parliaments* have well understood, and well asserted their *own Rights*; They can be under no suspicion of having betrayed them or suppress them; yet I don't know, they ever insisted upon *this Right*. And methinks, it is not for the interest of the Clergy, that it should be insisted on; For the Affairs of the *State* may be more various and intricate, than those of an *Establish'd Church*: And the *Parliament* may have occasion to *Adjourn*, when a *Convocation* shall have *nothing to do*: And if for their own Ease and Benefit, the King or Archbishop shall then prorogue them: Why must they be still at command of another *Body*, when that *Body* shall be pleas'd to exert the *Right of being attended by them*? We are safe enough at present in the Honour of the Two Houses; but I am sure such Doctrine does lay in Fetters, that may be hereafter put upon an English *Convocation*.

It may look strange, that this *Answerer* should be thought an Enemy to the Parliamentary Rights of the Clergy, when he is so industrious in proving, *the Lower Clergies Interest in the great Councils of the Realm*. Chap. vii. *their Legal Rights of holding Assemblies concurrent with every New Parliament*. Chap. ii. and that *They are still a Part or Member of Parliament*. To sum up his sense in his own words, that *to such Respects, and to such Purposes the Convocation is still a Parliamentary*

The Clergy were never yet made the necessary Attendants of Lords and Commons.

Mr. A.
confounds
the Par-
liamentary Rights
of the
Clergy.

The
Lower
Clergy
are no
Estate of
the Realm
distinct
from the
Commons
of Eng-
land.

Body, and an Essential part of our Constitution. p. 459. This indeed is his Conclusion, and yet the Premises are very wide and different. The *Convocation*, as they are now by very Ancient Custom call'd together with the great Council of the Nation, have, or ought to have, *more Parliamentary Rights and Privileges*, than this Pleader does allow them. He deals, I must needs say, fast and loose in this matter. He dances in his Words and Expressions, is crossing and doubling the Phrases, for Variety and a pretty Confusion. *The Clergy are a part or Member of Parliament in a qualify'd Sense. p. 276.* In the next Line or Two, *that Expression is invincible, and liable to be misconstru'd. I willingly wave it, and content My self to say, that though the Clergy are now no Member or Estate of Parliament, yet they are still an Estate of the Realm necessarily attendant on the Parliament.* But are you sure, Sir, That an Estate of the Realm, not an Estate of Parliament, is a right Distinction in our History or Law? Will the Gentlemen of that Robe allow any other Estate of the Realm, than what in a Personal or Representative Capacity are an Estate of Parliament? Do not all the Estates of the Realm fully concur and Unite in the Legislative Body? Were the Question put in Parliament, I humbly presume, an Answer might be founded on Precedents in their own Acts. The Settlement of the Crown in 1 Ric. III. was at the Request and by the Assent of the Three Estates of this Realm, that is to say, the Lords Spiritual and Temporal, and Commons of this Land Assembled in this present Parliament.— (Rot. Parl. 1 R. III.) And in the Act for Recognition of the Queen's Highness Title to the Imperial

perial Crown of this Realm, *the Lords Spiritual and Temporal, and Commons* do expressly say, that they are in Parliament *representing the three Estates of the Realm of England*. [1 Eliz. cap. iii.] But *three Estates of the Realm*, and every One of them a distinct *Estate of Parliament*. Our Author has one Excuse for Impropriety of legal Phrases, that he *Writes out of his Profession*, p. 80. Since his Profession is the same with Dr. Wake's, I might send him (as he does the Doctor) to his *Common-prayer-book*, and to the same Office for the 5th of November, *Thanksgiving for the happy Deliverance of the King, and the three Estates of the Realm*. I hope *Estates of the Realm* are here *Estates of Parliament*, Lords Spiritual and Temporal, and Commons then Assembled. I grant the three Estates of the Realm might be sometimes taken for the whole Legislative Body, King, Lords and Commons: Tho' most usually for the three Members of that Body, as distinguish'd from the Head. But I think at least, *An Estate of the Realm* was never brought lower than to signify some one true Member and proper *Estate of Parliament*. The Gentleman seems to imply, That being necessarily attendant on the Parliament, does make the Clergy a separate *Estate of the Realm*. Suppose, as he Supposes, yet are the Judges, the Masters of Chancery, or any necessary Attendants on the Parliament, are they for that Reason a distinct *Estate of the Realm*? They would not be call'd so, or thought so.

This Gentleman is not only inaccurate in his Terms, where a false Word may violate a Constitution; but he is more injurious to the Clergy in his other Politicks. The *Parliamentary*

Mr. A.
triumphs
over the
loss of the
Clergy's
Right in
Parlia-
ment.

ary Meetings of the Clergy were upon a civil Account ; to dispose of their own Property, and defend their own Rights. And tho' they have been too long upon the loosing Hand, yet within our own Memory, they kept up a considerable *Parliamentary Right* of giving their own Money. And even *Now*, that Right is perhaps casually superseded, rather than legally abolish'd. Whither departing from the old Right, with their own Consent, be any Ease to the Clergy is one Question ; and whither they are absolutely depriv'd of that Right is another. However it does not become an Advocate of the Clergy, absolutely to renounce their *declining Rights*, and even to triumph over the loss of them ; as in saying, *Our Constitution is much altered in many of these Respects, and (to say the Truth) it was fit that in many of them it should be altered, and that the Parliamentary Interest of the lower Clergy should be reduc'd (as it is) to Matters Ecclesiastical, and such Things as concern either Religion or their Order, p. 351.* A sad Matter of Fact may be acknowledg'd, without the offer of insulting Reasons for it. If the Clergy have lost any Parliamentary Interests, it might have been a little imputed to *Iniquity* of Times, and a little to *Necessity* of publick Affairs ; as well as altogether to *Expediency* and *Justice* of the Thing. Why was it *Fit* the *Constitution* should be altered, and the *Parliamentary Interest* reduc'd ? He might grant it was so, without boasting it *ought* to be so : Ay, but he does not write with any *Aim* of *retrieving* lost Rights, or *building* new Pretensions to old *disus'd Practices*, p. 353. So it seems ; but as he would not retrieve them, so he need not

not *deride* them. And if Disuse has lost them, better in silence to recede from them, than to throw a Curse after them.

IX. I observe one other Artifice in this Gentleman, to create Prejudice without Cause; and to make Parties, when there is little or no difference between them. That is, he is Elaborate in asserting *those Rights*, which the Person he opposes will not deny; and Builds up a pompous Proof of what we all agree in. Indeed any Man, who first reads the Answer, would immediately imagine, that Dr. Wake had given up the *whole Cause* of the Church, and that this Champion fought for every *particular* Privilege of it. And so undoubtedly He will represent this Reply, as absolutely *against* *Convocations*, and he alone *for* them. If this Cry prevail, People will be Judges before they are Readers; and the Book is Naughty, while it is not yet turn'd over. This, I say, was an Artifice *before*, and if it can be play'd a *second* time, it may be *again* suspected. But to serious View, and second Thought, the Dispute is not so great, nor brancht into so many Heads, as this *Gentleman* would have it. After all the Noise of *irreconcilable* distance, the Question between them lies in a very *short* Compass. Let us take the Abstract of his own Plea, as he himself has drawn it up, to Epitomize, and to conclude his whole Book. p. 459.

Mr. A.
creates
Prejudice
without
Cause.

For the
Question
is in much
shorter
Compass
than he is
pleas'd to
state it.

I affirm, and have prov'd, that the Convocation has a Right not only to be Summon'd, but to Meet with every New Parliament, and to be open'd in due Form by Divine Service, and a Sermon. Yes!
the

We do
not deny
the Customary
Right of a
Convoca-
tion Sum-
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with eve-
ry Parlia-
ment.

the *Convocation* has a Customary Right to be summon'd with every New *Parliament*; tho' when it first grew into a Custom, and after it had long continued so; such a *Convocation* was for Civil, not for Ecclesiastical Purposes: They were a *State-Convention*, not a *Church-Synod*: They gave Money, and petition'd for redress of Grievances; but they made no *Canons* or *Constitutions*. The proper Ecclesiastical Councils of the *Nation*, and of the *Provinces*, as well as of the respective *Dioceses*, had not a Right to Meet with every New Parliament, and very rarely met in Parliament-time. And therefore the Convocation that is now summon'd with every Parliament, derives a Right to its Summons, not from being a *Synod for Religion*, but from being an *Assembly for Political Reasons*. The Design both of the Clause *Praemunientes* to the Bishops, and of the Provincial Writs to the Archbishops, was at first to make the Inferior Clergy an assisting Member of Parliament, and a Part of the Civil Constitution. And while they are Assembled by the same Writs, their Nature will not be altogether chang'd: But if since the Reformation, their Parliamentary Rights have been very much Abridg'd, and almost Extinguish'd; and they are now rather *confin'd*, than *reduc'd*, to *Matters Ecclesiastical*: yet whither by virtue of their old Writs, they are strictly a Sacred Ecclesiastical Synod, without the King's License to treat of Ecclesiastical Affairs, is a Question, that I hope hereafter to resolve. In the mean time, we allow our Author's Plea, that the *Convocation* with a New Parliament has a Right to be Summon'd, and to Meet, unless the same Authority that *Summons* them, shall (by con-
sent

sent of the President) dispense with their actual Meeting, till the trouble of so Assembling may be to some better purpose. Yet if the Inferior Clergy think this Dispensation of their Governors to be not (what it was design'd for) an Ease, but a Grievance ; They have Liberty to petition for being *allow'd* to come together ; and (if there be any Reason) shall undoubtedly at their desire be *allow'd* to do so. And then, they may *open* their Sessions in the usual Form by *Divine Service and a Sermon*. But the Omission is no such Trespass upon their *Right*, if they have no direct Business before them. For the peculiar Office of Devotions, *Forma Precum in utraque Domo Convocationis*, does run much upon the supposal of having special Business committed to them ; and unless they are so effectually employ'd, the Petitions are not *all* so very proper. And as to the *Sermon*, there is no such *Right* to it, because no *Necessity* for it. The same Form of publick Service for the Convocation, has its Rubrick with some liberty of Right and Practice, *Dehinc sequatur, si quæ habeatur aliquando, ad Clerum Concio. Si non sit Concio, addatur Oratio sequens, &c.* And these Rules too refer *Initio cujuslibet Sessionis*. Thus dubious is the *Right* ; and as to *Fact*, it is certain, we have had Convocations without a Sermon, tho' I confess it is more decent with it. So as to this matter, we need not much differ. Men may of Right *practise*, what they have not a strict Right to *challenge*. He proceeds to say, That the Clergy of the Lower-House, when thus met, have a Right of filling the Chair of it with a Prolocutor, and of being put into a condition of doing Business. Have the Lower Clergy
a Right

Nor the Custom of opening their Sessions with Prayers and a Sermon.

a *Right* to fill the Chair, before the *Most Reverend* has given them leave to do so? They have the right of *chusing*; but will they exert their right in making an *actual Choice*, without any Address to their *President*, or any Intimation from him? Would they not accept his *Permission* to Elect, and his *Approbation* of the Person Elected? If the Lower-House has such independent Rights, How come they to want the Right of Adjourning themselves? What power within themselves have they to fill a Chair, if they and their Prolocutor have within themselves no power to Adjourn? If in this Gentleman's Phrase, they must be *put into a condition of doing Business*, it is a sign they cannot *put themselves*, and therefore must ask the *Leave* of those who are to *put them into such Condition*. We ought not to differ on this point, if both sides will but understand Right and Practice.

Nor their
Right to
make Re-
quests and
Motions.

It follows, That if they have any *Requests*, any *Motions*, to make my Lords the Bishops, the King, or his Great Council, for the good of Religion, or the Redress of Church Grievances, they have a Right to make them. Yes! The Right of Petitioning, we hope, will be never more denied to any *English Subject*; nor the Exercise of that Right be discouraged, till Sedition and Tumults do attend it. The freest Liberty may be allow'd to such a Venerable Body of Churchmen: Let them *request* and move with all possible Zeal and Discretion, provided they do not plead as this Gentleman do's, that if they have any *further Petitions or Motions* to make in Church Matters, they have a Right to sit so long, as till they have made them. p. 267. For then, perhaps,
upon

upon *One* Motion lost, they will have another to renew ; and upon the Grant of *One* Request, may be able to *make* a Thousand more ; and if forward Men do over-rule them, may have never done *Making*. But what is worse, their pretence to a Right of Sitting, till they have made *All*, may but provoke their Superiors to reject *All* ; and so they will lose the benefit of their Right, by straining the *Exercise* of it. We had better Compound, and say, They have a *Right* to Petition, and they have *Discretion* to use it.

Further, *They have a Right to enter into what Debates, and come to what Resolutions they shall think fit (within their proper Sphere) without being oblig'd to qualify themselves for such Debates or Resolutions by a Royal License, which is necessary to no Synodical Act, previous to that of Making or Enacting a Canon.* In this particular indeed we most differ. Because, whatever the *Right* has been, or seems now to be ; yet there are Statutes and Customs that have very much, and very long restrain'd this *Right*. And if the Clergy should now too boldly exert this *Right*, they may be drawn into Snares, when without Necessity it is more prudence to avoid them. And therefore, What if instead of insisting on a *Right*, they petition the King for the Exercise of such a Right, or take his leave if freely offer'd, and so secure his *Authority* to strengthen their own *Power* ; Especially, because This was the Wisdom of our Forefathers to take the *Submissive* way, and never once enter upon the Debate of New Articles or Canons, much less to come to any *Resolutions* upon them, without Royal License, either faithfully Reported

The Right of Debating without Royal License is much to be questioned.

to them by their President, or more fully obtain'd in Writing. Indeed if an *English* Synod find it necessary to support Religion by some New Constitutions, and upon the prospect of such Necessity, desire the Princes leave to provide for it; and the Prince long and often denies that *Leave*, with design of letting the Church be incapable to consult her own Preservation: In such a Case (which is not Ours) let the Church be true to Christ, and to the Powers she received from Him. This is the Original Right which we assert; While this Answerer thinks fit to wave it. But as our happier Constitution now stands, while Princes of our own Communion will either offer us a License to treat of Occasional Business; or grant us the like License, as often as the Governors of the Church think fit to apply themselves for it: We are very well satisfied, and need not run upon Projects of Liberty, while we are under the Ordinary Means of Safety. If this Gentleman and his Friends be not content with the good Old Caution of their Forefathers; Let them try their own Expedient; and in a Convocation with the next Parliament (for we are not against a concurrent Convocation) let them enter upon Debates, and come to Resolutions, *without qualifying themselves by Royal License*: He is bold to say so, but I am confident, his Friends are too wise to do so. And therefore we need not divide in our *Opinion* of this matter, when our *Practice* would be much the same.

He goes on, That *in these Respects, and to these Purposes, the Convocation is still a Parliamentary Body, and an Essential Part of our Constitution,*

call'd

call'd both by the Clause in the Bishops Summons, and by Writs directed to the Archbishop of either Province; which Clause, and which Writs, whenever a New Parliament is to Meet, can no more by the Rules of our Constitution be omitted, than the Writs, for any Lords or Commons can. High words make nothing the more true. A Convocation, as it is an Ecclesiastical Synod to Debate and Determine of Church Affairs, and for these purposes to Meet and Sit with every Parliament: Such a Convocation is not, it never was, an *Essential Part of our Constitution*. Indeed a Convocation of the Clergy, considered as Men of Properties and Civil Rights, and for that reason only call'd both by the Clause in the Bishops Summons, and by Writs directed to the Archbishop of either Province, more effectually to execute the other Clause, and bring them more certainly together, that they may joyn hands with the Temporality, and promote the same Ends of assisting the Government, and securing their Old Liberties and Laws. Such a Convocation (and the Convocation by vertue of those Writs was alway *such*) was a Member of the Parliamentary Body, and I know of no positive Law that has yet cut them off from this Body. And if later Customs must prevail; yet we cannot but wish, they were still a *Parliamentary Body* to more *Respects*, and to better *Purposes*, than this Gentleman has the Courage, or the Goodwill to make them. He has thrown up their Parliamentary Rights, as not fit to be intrusted with them, and never to be recover'd by them.

Every
Parliamentary
Convocation is not
in its own
Nature
an Ecclesiastical
Synod.

We know , there is a Convocation, as it were, *call'd by the Clause in the Bishops Summons, Premunientes, &c.* and it seems this Clause was executed above 100 years after the time, when Mr. A. in his first Edit. dropt the Execution of it. Nay, and I agree, if the Bishops would still think it proper to execute the Clause, there is no positive Law to restrain them. Yet we know, the Clause has not been of late Executed, nor has fault been found with the *Omission*; and it may at last be insignificant, if there be never any Execution of it. While in the mean time, they are call'd only by *Writs directed to the Archbishop of either Province*, they are not altogether so much a Parliamentary Body, nor an Essential part of our Constitution, as they once were, when they met by vertue of the *Premunientes Clause*; and would again be, if they were again to convene by the same *Parliamentary*, as well as *Conciliary* Form. However, we do not desire the *Clause* or the *Writs* to be omitted, whenever a *New Parliament* is to Meet; the *Writs* are duly Executed, but it seems the Wisdom of the Nation do's not think it a breach of Law, that the *Clause* has not for many years been Executed with them. Let the Government at their own time renew the Execution. But otherwise, possibly to omit a *Clause*, if it were never possible to recover the original meaning of it, could not be (with this Writers leave) so much breaking in upon the Rules of our Constitution, as it would be to omit the *Writs* for any of the *Lords or Commons*: No! I appeal to *Lords and Commons*. But I am sure in these Politicks, if we are moderate on both sides, we come to a very easy Temper.

Lastly,

Lastly, *In short, that the King has not only a Right of thus calling the Clergy to attend, but the Clergy also have a Right of attending, and the Lords and Commons a Right of being attended by them.* Yes! The King has a Right of calling the Clergy to attend, not only in Parliament-time, as some would seem to restrain his Right, but at all Junctures, when the Necessities of the Church, and the Grand Occasions of Religion do require. And at all times, when they are *call'd, the Clergy have a right of attending, but* sure not such a Right, as shall confine them to a daily Attendance without Employ, nor a continual and successive Attendance with every Sitting and Adjourning of Parliament; For then their Right would be more Subjection, than I hope this Brother would have it. What would he mean in saying, *the Lords and Commons have a Right of being attended by them.* That the Lords and Commons have a Right to Convocations ready to attend their Parliament, and within Call to Consult and Resolve upon any Occasional Matters of Faith and Worship, who denies? But have the Lords and Commons such a Right of being attended by them, that they must be alway in actual attendance, concurrent with every daily Sessions, not otherwise to be prorogu'd by their own President, nor by the King? Why, truly, abating from Prerogative Royal and Archiepiscopal Authority; this is not for the Liberty of a Convocation to *allow*, nor has it been ever the Judgment of the Two Houses to *desire*. Neither in this Point should we differ, if we could but understand One Another.

No Liberty of the Clergy, for the Lords and Commons to have a Right of being attended by them.

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I have thus run over the whole Abridgment of our Author's Scheme, and his Arguments upon it, in his own concluding Words, that the Reader may see what the *All* is, that he would have ; and that when the Report is his own he may not be said to be misrepresented. What I would infer is this. In the preceding Parts of this Book, he condemns Dr. *Wake*, and Men of like Judgment with him, as utterly mistaken in the whole Subject of Convocations ; and as at the widest and most irreconcilable distance from the Truth and Reason of Things, which He *now* discovers to the World. Whereas, take his own state of the Case drawn up in short by his very Self, and there is no material difference between them ; but where Law and Fact are much rather on the Doctor's side.

A Repetition.

Repetitions are Excusable, when they are to make Things plain, and to set People right, and therefore I'll run over again my Opinion, that Dr. *Wake's* Principles are no worse than These. *The Convocation has a Right not only so be summon'd, but to meet with every New Parliament ; yet want of Business may incline our Governors to suspend the Charge and Trouble of Meeting, till proper Notice shall be given to the Remoter Clergy. When they have good reason so to meet, They have a Right to be open'd in due Form by Divine Service, and a Sermon ; not that a Sermon has been alway the Custom, and therefore not always necessary : Nor that the Inferior Clergy have any power to appoint a Preacher, but at discretion of the President, who is the proper Judge. The Clergy of the Lower-House, when thus met, have a Right*

of filling the Chair of it with a Prolocutor ; yet with Dutiful dependence on their President ; they accept his leave, and after a free Choice, they accept again his Approbation of the Elect. And then under Rules and Directions, they have *no Right to put themselves* ; but, as our Author rightly words it, *to be put into a condition of doing Business*, if there be any Business. Then *if they have any Requests, any Motions to make to my Lords the Bishops, the King, or his Great Council*, They have not only a Right to make them, as all Subjects have ; but being so venerable a Body of Men, their Petitions and Motions ought to have more than ordinary Weight. They may further *have a Right to enter into what Debates, and come to what Resolutions they shall think fit within their proper Sphere*. But that proper Sphere of the Clergy in Parliament was once circumscrib'd to Liberties and Civil Rights. If they now fall to act as a complete Church Synod, they may do well to think, whether they are not oblig'd to qualify themselves for such Debates or Resolutions by a Royal License. Because their Reformed Forefathers were so wise as to do so : And there is a severe Act of Submission, with a dreadful penalty upon the Violation of it : And that Act may not be always interpreted in favour of the Clergy ; and if they should but seem to exceed the bounds of it, they may be one time or other caught in some Snare, which it is more prudent to avoid ; at least, till such a fatal Necessity shall come, as may justify their Meeting and Acting to preserve Religion in spite of Persecuting Powers. In the mean time, when they have a License in Course for all great Occasions ; and may possibly obtain a License upon any

other occasion at their own Request. What need they dispute a Right, which a good Prince will always grant ; and when after all, without such a Grant, the highest Pretenders would be afraid to Exercise that *Right*. Let the *Convocation in these Respects, and to these Purposes, be still a Parliamentary Body, and an Essential (or rather integral) part of our Constitution, call'd by the Clause in the Bishops Summons, if they may be properly said to be call'd by a Clause, that never comes to their Ears, but has dropt into silence these many Years: And therefore call'd now in effect only by Writs directed to the Archbishop of either Province, as they would be, if they were call'd to an Ecclesiastical Council out of Parliament-time. Yet we do not plead, for this Clause or these Writs to be omitted, whenever a New Parliament is to meet. We hope, and pretty well know, there is no such Design. Tho' if a Clause, that was frequently omitted, while the Insertion was of full force and virtue ; if that Clause should be now omitted. when it is at least grown a little obsolete : We dare not say, that such an Omission would as much break in upon the Rules of our Constitution, as to omit the Writs for any of the Lords and Commons. Such a Comparison is bolder at least than it need to be. In short, we agree, that the King has a Right of thus calling the Clergy to attend, either in time of Parliament, when the more solemn Assembly of the Bishops give them a better conveniency to meet the Lower Clergy ; or at any other extraordinary Juncture, when the Necessities of the Church call for Provision and Self-preservation. The Clergy thus call'd have a right of attending, within the*

the

the Customary Rules of being reliev'd in their Attendance by fit and seasonable Prorogations. And being *call'd by the Parliament, the Lords and Commons have a right of being attended by them*; that is, of having them ready for Consultation and Consent, if there should be occasion to Explain or Supply the Rules of Faith and Worship: but no *Right* to keep them in Attendance unintermitted, and leave them incapable to be reliev'd by the favourable Prorogations of the Archbishop or the King. For such Attendance would indeed make them *Servants*, where the wiser Laws have left them *free Subjects*.

I dare undertake, that these are the Thoughts and Opinions of many Pious and Prudent Clergymen: I verily believe that *Dr. Wake* meant no worse: And I have the Comfort to imagine, that our present Rulers will suffer no greater harm to be done to Us.

And therefore it is very hard in this lashing Writer, to represent our Governors in Church and State, as in a Conspiracy to suppress or even abolish Convocations; and *Dr. Wake* as servilely employ'd, to excuse and justify them in it. To create Jealousies of a Gracious Prince, as if to *reform the Church of England by the Model of the Scotch, the French, or the Dutch Church, were perhaps the secret reason of the present disuse of Convocations*. Pref. p. xvii. To imply, that Attempts have been lately made to alter the Constitutions, because *upon the Calling of a New Parliament, the Writ for the Province of York has been dropt*. Pref. p. iii. Nay, and upon second Thoughts to affirm, *That the Writ never went out, when the last Parliament was chosen*.

Addenda.

No need
for Mr. A.
to create
Jealousies,
and make
Reflexi-
ons.

Addenda. p. 513. To lessen the deserved Respect and Love paid to his Grace of *Canterbury*, by the Best and the Most of his Provincial Clergy; and for the Dedication of a Book or Two, to complain, that *Great Names, and Great Interests are made use of to Discountenance that good Cause, which he has the Courage to Esponse.* Pref. p. xix. with a hundred more oblique Reflexions. To strike rudely at a great and very serviceable Prelate, because he did not write on *his side* of the Controversy, when yet he wrote before such a Controversy started. To Censure the whole Order of Bishops, as in the Plot of promoting or conniving at the Discontinuance of Convocations, and to upbraid their very *Age and Experience*, as making their *Zeal too cautious for the good of the Church.* p. 103. 104. In a Word, to make *All* that differ from him very Traytors and Rebels to Essential Constitutions of Church and State. And for a final Project, to prevent the World's being better satisfied, by prejudging all Reply, before it can be made; and boasting, that *he matters not what Dirt may be thrown at Him on this Account; and that he expects to be traduc'd by little Officious Pens, and by Dr. Wake's the least of them.* Pref. p. xix. To sling and fly at this Imperious rate, and scatter Reflections on the highest Heads in such abundant manner: When after All, there is no design in our Superiors to bring in a Disuse of Convocations; and it was no intention of *Dr. Wake* to assert more than the Legal Restrictions of them. This is not the Sense nor the Spirit of the Church of *England*: This is not to follow the Things that make for her Peace and Interest.

X. Nothing could excuse this Declaimer, and his ways of Boldness, but a perfect knowledge of the Matters in dispute ; and being such a Master of the Argument, as entirely to set it out in Light and Demonstration. Had he so *done*, the World might have pardon'd the *way of doing*. For Men of absolute *Discoveries*, and a complete Insight into the Merits of their *new Cause* ; they have some temptation to be *vain*, and have a Title to some Allowances for a little *boasting* themselves. But if Persons setting up for Writers, do with utmost Confidence reject *one* Hypothesis ; and then advance *another*, more Precarious and Absurd in its Nature, as well as more fallacious in the Proof of it : Such bold Undertakers have no Refuge but *This*, that one sort of Confidence is never out of Countenance.

I confess, if this Projector's Scheme had been founded on the Scriptures ; or on the Nature of a Church as an original Society of Christians : And had He then brought in our History and Laws, as *Outworks* only to secure and encompass the prime Foundations of his Argument. Then if he had been Rude and Ignorant in the later Matters of Fact ; yet still the remoter *Principles* might have stood fast on their own bottom, tho' the Appendages of modern Practice and present Constitution had prov'd false and rotten.

But the Case is not so with this Writer. He quotes not one Text for the *Divine Right* of Councils or Ecclesiastical Assemblies. He proposes no one Reason for the necessity of such an Inherent and Original *Power* in the *Church*. He does not labour to prove, that Christian

Nothing could have excus'd Mr. A. but a complete Insight into these Matters.

He claims no Divine Right.

Or inherent Power in the Church.

Magi-

But founds
All on our
own Con-
stitution.

Magistrates cannot *retract*, nor a National Clergy *recede from* Antecedent Rights. Had he done so, his Mistakes, I say, in History and Laws, had been some small diminution to the Writer, but no great Prejudice to the Truth and Justice of the Cause. Whereas our Author is on another Foot; he waves the *Christian*, and acts only the *English Man*. He builds All upon the nature of our *Government*, and the *Constitution* of our Church and *Nation*, as established by successive *Laws*, and confirm'd by perpetual *Practise*. So that if He fail in his Statutes and his Records, in his Rolls and Registers, in his other Precedents of National Right and Custom: He and his Cause are both gone, because they are submitted to this only Test, and must stand or fall upon the Truth and Application of these Authorities.

Which he
did not
under-
stand.

I must needs own, those *Authorities* are so confidently cited, affirmed, and repeated; that I took them long upon Content, and believ'd them very *Genuin*, and fairly thought I could suspect nothing, but the mighty *assurance* of the Voucher; and even *that* upon first Thoughts inclin'd me to suppose, He was most certainly in the *Right*, and might be depended on. 'Till at length, Inclination to be a little Curious, and good tolerable Opportunities to be well inform'd, have put me upon searching into his Margins and References, and upon collating his multitude of Collections with the Books and Papers, from which they were, or ought to have been, taken. Upon view, I am now entirely satisfied, that no one Writer ever manag'd an Historical Argument with more slightness and superficial Touch; or indeed with
more

more Falshood and Deceit. I would not expose the Author without Reason, nor abuse the Reader without Proof. I appeal to the Original Memoirs of Church and State, not drawing an Assertion or Denial, from any thing but what I have actually seen.

Examination of Mr. A's First Chapter.

His *first Chapter* has indeed the fewest Faults, because spent only in Preliminaries, without coming near to the Merits of the Cause And yet in this one preparatory Chapter, he has made so many egregious Escapes and Blunders, as shew him not a Master of Truth, or not a Friend to it.

I shall confine my self to the notice of such Errors only as relate to our own History, and our English Constitution; and leave his occasional Mistakes about the Primitive Church and Foreign Affairs, to some other Person, or some other Leisure.

I shall not therefore enquire, Whither *such Assemblies* (i. e. Provincial Synods) *have been held frequently from the very beginning of Christianity*, p. 4. as if they were of Apostolical Institution. I think rather they were much *later* introduc'd; and *then* in conformity to the administration of Civil Justice, within such and such Districts of the Roman Empire. *Diocesan Synods* have a better Title to Antiquity: The Bishop of each Diocese had an original Right to convene his own Clergy, and with their Advice and Consent to ordain such Rules and Orders, as were proper to declare the *Doctrin*, and regulate the *Discipline* of their own Body. But that *Provincial Councils* were also held *from the very beginning of Christianity*, is more than is probable, or indeed *possible* to be true. As there

Provin-
al Synods
could not
be so
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tends.

were

were no *General Councils*, till the *Roman Emperors* coming in to the *Christian Church*, called the dispers'd Bishops to one place of Protection. So I presume, there were no *Councils Provincial*, till Bishops, who had their Seats in the Metropolis of a Province, began to be lookt upon as *Metropolitans*, or chief Directors of all the other Bishops within that Civil District; and were for that Reason admitted to *Preside* in such *Councils* of their own *Province*. And *This* at least was not so early, as the *very beginning of Christianity*.

Presby-
ters no
Authori-
tative
Part of
Provincial
Synods.

He is pleas'd to be very confident, that the *Authoritative part of these Meetings (i. e. Provincial Synods)* was compos'd of the *Bishops and Presbyters*, p. 5. and that *some Presbyters, the Bishops were oblig'd to carry along with 'em to the Council of the Province; and there they sat, deliberated and voted upon all Matters, that came before the Assembly*, p. 6. But I doubt, it will be prov'd against him, that Presbyters were not alway an *authoritative part of Provincial Councils*, but were occasional Attendants and arbitrary Assistants only to their respective Bishops: And that when upon Courtesie they sat in Council with them, they did not of necessity deliberate or vote; but barely consented to the decision of their Superiors. And that these Presbyters were no more oblig'd by any stated Rule or Law of the Church to come to *Provincial Councils*, than they were to *National*: And to them this Writer owns, the *Inferior Clergy did not come in their own Right, but as Proxies only of absent Bishops*, p. 6. My chief Concern is for our own *Councils*, and the practise of them. The first *English Council*, which our Author mentions, is that
of

of *Herndford*, held *Anno 673.* under *Theodore* Archbishop of *Cant.* in which we have a full Account of the particular Persons who sat and voted, from *Bede, Histor. Lib. IV. Cap. V.* And yet in those Acts of it, none but *Bishops* are recited; they alone are those whom the Archbishop calls his *Consacerdotes*, who were singly askt their *Suffrage*, and unanimously gave their *Assent*. It is indeed in the Introduction by *Bede* call'd *Concilium Episcoporum una cum eis qui Canonica Patrum Statuta diligenter & nossent, Magistris Ecclesie pluribus.* These Church Masters or Governors were not simple *Presbyters*, but most often Abbots or *Prelates* of Religious Houses; of so great Authority, that they had some Bishop-Monks within their own Cells subject to them, as in the 4th Canon of this Council: For I read it *Episcopi Monachi, &c.* and were therefore early admitted to *Councils*, and especially summon'd to this, wherein so much of their own *Monastick* Business was transacted. But to these *Councils* they came, as *Conventual Governors*, not as *Presbyters*; for some of them were not so: and the very *Abbes* were admitted, as well as the *Abbots*.

He is pleas'd to drop the Use and Custom of *Provincial Councils* in *England*, as not frequently held from that of *Theodore*, 673. to that of *Stephen Langton*, 1222. But then he assures us, *The Lateran Canon that reviv'd the use of Yearly Provincial Assemblies was in force here*, p. 7. Yet he can never prove, that this *Canon* was expressly received in *England*, nor that it was ever practis'd for any three Years together, nor that our Archbishops in their Summoning or

The *Lateran Canon* for *Provincial Councils* not receiv'd in *England*.

Open-

Perverts
the Sense
of *John de*
Athon.

Opening of Provincial Councils, did resolve such Assemblies into their Obedience to the *Lateran Canon*. He says, *John de Athon* tells us so, ib. p. 7. Not in the place to which he refers us. It is only there said, *Ponitur sub precepto*, there is a general Precept for yearly Councils in the *Roman Church*; but that it was never practis'd in the *English Church*, He does confess in *This* and other Places.

And mi-
stakes his
Age.

Not content with mistaking *Athon's* Sense, He must run into a rude Mistake about his Age. He says, *This must be understood of the time when Athon wrote, which was somewhat above an hundred years after*, p. 8. And to prove it in the Margin, he ventures to say, *That Pitts's Account which has been taken all along upon Trust (viz. that he flourished in 1290.) must be a mistake; since Athon was made Prebend of Lincoln in 1329. and died in 1350. as I find by unquestionable Authorities.* Perhaps some Notes communicated to him were *unquestionable Authorities*; but I much question his unlucky Use and Application of them. He might have heard from the Registers of *Lincoln*, that one *Master John Athon* died Prebendary of *Welton Ryval* in the Church of *Linc.* toward the end of the year, 1350. the Information given him was very right. But what Authority has He to confound this *John de Athon Junior*, with his learned Predecessor, who was dignified in that Church above one hundred years before. *John de Aton* or *Athon Senior*, who gloss'd on the Legatine Constitutions was present at the first making of them in the Council, under *Otto* at *St. Pauls London*, Anno 1237. He was then Clark or Secretary to the Legate, and Reader of

of his Authentick Commission from the Pope. This depends on the more unquestionable Authority of *Matthew Paris*. An. 1237. p. 248. He was nigh that time Collated by his Lord the Cardinal to a Prebend in the Church of *Lincoln*; but the stout Bishop *Groshead* denied the Cardinal's Title to *Collation*, in a Letter of admirable Piety and Courage, which I have perus'd in good Old Manuscript, and it agrees with that Printed in *Append. ad Fasciculum* p. 339. Ep. 49.—*Vos prebendam, quam quondam Magister R. de Wereminister in Lincoln Ecclesia obtinuit, Clerico vestro Magistro ACTON I duxistis conferendam, &c.* The Cardinal knowing the Spirit of that Bishop, seem'd patient at this Repulse, and soon after desir'd *Groshead* to confer a Prebend on Him; This favour the Bishop scrupled, because he had already a Parochial Cure; but considering the Merits of the Man, and the Credit of his Church, He did prefer him with this high Character, *Magister ACTO, quem ex vestro Testimonio & etiam ex his quae de ipso experti sumus, virum magnificum scientia Eminentem & moribus praeclarum reputamus*, ib. p. 354. Ep. 74. This was the *Acton* Prebendary of *Lincoln*, who was at the making of the *Otto* Constitutions; possibly he drew them up, at least was by his Office concerned in their Publication; And in many Respects a fit *Interpreter* of them. Nay, 'tis very probable, this same Person was in the other Council, under *Ottobon* at *St. Paul's* An. 1268. when this New Legate, being to confirm the Actions of his Predecessor, might well chuse the same Assistant, who could best help to enforce the *Constitutions*, in which he had bore so great a Part. I

Two folios
de *Actons*
confound-
ed by
Mr. A.

cannot

cannot point to the exact time of his Death, because I have no *unquestionable Authorities* for it. But I think *Pits* has put his *flourishing* rather too late: It is a question whether he liv'd to 1290. The more unhappy our Corrector here of *Pits*, who brings him Sixty years *lower*, because there was One of like Name and Dignity, who *then* died. He might as well have made him a Highway-man, and brought him to publick Execution, because *Mat. Paris* mentions a *John de Acton*, who suffered for a Ring-Leader in such Villanies, *Anno 1240. Mat. Par. p. 526.* Alas! If this Writer were acquainted with Church Registers, he would find a similitude and identity of Names very frequent, and very apt to breed Confusion. Two *Haymo's*, two *Gilbert de Seagraves*, and two of many other Names, even in that Church of *Lincoln*, have a little perplext, and sometimes deceiv'd the more accurate Writers: But then the *Homonymous* Men liv'd together, and their Persons and Actions interwoven could be scarce distinguish'd. Whereas in this Case of the two *Actons*, the long Interval of living might have prevented this Gentleman from jumbling Both together: Or if he had hapned to confound them, He should have done it with some diffidence and suspence, not with a haughty assurance, and under the Name of *unquestionable Authorities*.

Could we pardon *this* Mistake: Before the End of this same Paragraph, we find him running into *two more*. To it, (i. e. to the Lateran Canon, which reviv'd the use of yearly Provincial Assemblies) *We owe that Body of Provincial Constitutions which we have.* p. 8. It is true,
the

the Lateran Council was recommended to the Observation of our *English* Clergy ; and the Canons of it were ordered to be read over in Diocesan Synods. *Concil. Oxon. 1222. Constit. ultima.* and were sometimes Cited at the opening our Provincial Councils, *Concil. Reading. 1279.* and *that Canon* especially relating to the Lapse of Ecclesiastical Benefices was stoutly urg'd and maintain'd by our *English* Bishops, till it was receiv'd into our Law. And yet we do not find any One of our following Councils summon'd or opened in the Name of the *Lateran Canon*, nor any one of our Constitutions said to be expressly owing to it. Our *Archbishops* had an antecedent Right to convene the Clergy of their *Provinces*, as occasions of the Church required ; and continued in the practice of it, at their own discretion, without being oblig'd to burden their Suffragans with *Annual Assemblies*, as the *Lateran Text* commanded. In their *Summonitions*, they did sometimes refer to the sacred Canons, and the Institutions of their Holy Fathers ; but *this* in General Terms, with an Eye to the common practice of the *Greek* and *Latin* Churches. They never built on the particular *Authority* of that *Lateran Canon*, but constantly varied from the Letter of it. Indeed *that* and many other Canons of the *Lateran*, (if they were Conciliary Canons, and not Arbitrary Dictates of the Pope) were never binding in *England*, nor in *France*, because contrary to the fundamental Liberties of each National Church.

Why need this Gentleman invent a new Badge of dependence on the *Roman* See ; and make as if our whole Body of Provincial Constitutions were owing to a Voice from the *La-*

Our Provincial
Constitutions not
owing to
Lateran
Canons

Constitu-
tions in
1222. not
the Ear-
liest.

teran? He is out again, when he says, the earliest of 'em (i.e. of the Provincial Constitutions) are those of Stephen Langton, bearing Date 1222. a few years after that Lateran Council. Why are these the earliest? because it seems they are first printed in the *Appendix to Lyndwood*. That is no Authority: He knows, I hope, that the Order and Date of those Constitutions are sometimes mistaken by the Editors of that Book, who so dispos'd them. They begin with a plain Mistake. For the Constitutions of *Lambeth*, which here follow those of *Oxford*, were indeed before them; and were Ordain'd in as proper a *Provincial Council*, by the same A.B. Langton in some preceding Year. They are call'd *Constitutiones Provinciales*, and ascrib'd to the Year 1206. in *MS. Cotton. Otho. 16.* and other more Ancient Copies. Nay, and they are publish'd as such in our own *Spelman*, and in the Foreign Tomes of the Councils. So as He should not say the Constitutions of 1222. were the Earliest, because those that were plac'd after them, were somewhat Earlier. And the Canons of *Hubert* in his Provincial Council 1200. of *Richard* in another Synod 1175. &c. were still more Early. But let Me do our Author justice, to acknowledge, He had some Authority to lead him into this Error. In the printed Catalogue of the *Cotton Manuscripts, Vitellius. A. II. 7.* This Title is set forth, *Constitutiones D. Stephani Archiepiscopi Editæ in Concilio Oxon. A. D. 1222. Et ista fuerunt primæ Provinciales Constitutiones in Regno Angliæ, ut patet in Constitutione Johannis Peckham.* But whatever Hand affix'd this Note, it is not Right; nor do's *Peckham's Constitution* prove any such thing: Nor is there any such

such Note in the Authentick Copy of them.
MS. Lambeth 8vo. num. 17.

His next Touch upon our *English Affairs*, is in the *Accounts of a Domestick Council of our own*, not full an hundred years Elder than the Lateran, the Persons summon'd to it are thus reckon'd up by the *Saxon Chronicle* (*Ad Ann. 1129.*) Bishops, Abbots, Archdeacons, all the Priors, Monks, and Canons, who were in all Religious Houses of England. Finally, All that had the care of Religion committed to them. i. e. I suppose the Parochial Presbyters. An Account inaccurate, and the Authority perverted.

The
 Council of
 1129
 falsely re-
 presented.

Had the Author search'd farther, comparing Times and Things ; He would have question'd whether this was properly an *Ecclesiastical Synod*, or a *Civil Council* : And whither the Acts of a Synod, and a great Council, are not here confounded. An Ecclesiastical Synod was held by the Archbishop (in vertue of his new Legatine Authority) somewhat sooner, either 1126. or at least 1127. when a severe Canon was enforc'd for prohibiting the *Marriage of Priests*. The *English Clergy* seem'd to have complain'd of this Hardship to the King, who Two or Three years after the Synod, call'd a *Great Council*, to which the Clergy might be invited, or encouraged to come, to represent and solicit their *own Cause*. And the Issue of it seems to be, the King, by consent of the Bishops, took the Forfeitures and Penalties of the Married Clergy, and so annul'd the Execution of that *unreasonable Canon*, by letting them Compound for the liberty, which no Religion but that of Rome forbid. To set this Story right, wants more

That in
1129 was
a State
Council,
not a Ch.
Synod.

room, than can be now allow'd. Supposing the *Saxon Chronicle* exact, the *Account* in it is not for his *Purpose*. His *Purpose* is to prove, that *This* was a proper *Ecclesiastical Synod*; yet the *Chronicle* implies it not to be so. They were summon'd *Regis consilio & venia*, which would scarce have been said, if the *Metropolitan Legate* had exerted his *Spiritual Authority*, and call'd them to an abstracted *Church Synod*. This very Archbishop's Summonitory Letters to a Legatine Council of *John de Crema*, placed under the Year 1125. make no mention of the King's Counsel or Leave, as known to be not necessary by the then *Constitution*. *Spelm. Concil. Vol. II. p. 33.* Again, they were dissolv'd or dismiss'd by Regal Authority, *sed Rex eis omnibus veniam dedit domum redeundi, adeoque domum reversi sunt*: Which argues it a Great Council or National Assembly, conven'd and broke up by the King's Authority: Not so in *Ecclesiastical Synods*, the Legates or Archbishops both call'd them, and sent them away: And this Writer owns, that as to such *Assemblies*, whither call'd at the King's Instance or not, the Archbishop by his own Authority always dissolv'd them. p. 17. Again, his *Purpose* is to prove, that the Presbyters were an *Authoritative Part* of this *Ecclesiastical Council*. They might be call'd with *Instructions* to present their Grievance, and yet with no *Authority* to redress it: A common Practice of Resort to the great Assemblies of Church and State. The *Petitions* might be from the *Presbyters*, and yet the Sanction only from the *Bishops*. And so indeed it is expressly asserted in this same *Chronicle*, *Hoc sanxerunt Archiepiscopus de Cantuarabyrig Willielmus, & omnes Diocesani Episcopi qui*

qui erant in Anglorum terra. But how do's he know, the *Inferior Clergy* were at all summon'd to the Council? Because among the Persons summon'd, were *Omnes deniq; quorum cura Religio erat commissa.* All that had the care of Religion committed to them. i. e. *I suppose the Parochial Presbyters.* And yet *Others* may suppose *Othertwise*: For the Saxon Phrase and Latine Version are more often (if not alway) applied to the Religious, not to the Secular Clergy.

Mistaken
in the
sense of
the Saxon
Chronicle

His next Citation from *Mat. Paris* of the National Council in *France Anno 1226 M. Par. p. 329.* is an Argument against Him; That the Parochial Presbyters were not in that Assembly. For when the Proctors of Cathedral and Conventual Chapters were dismiss'd, there remain'd None but Archbishops, Bishops, Abbots, and simple Prelates. Nor had those *Proctors of Chapters* been then summon'd, but that their own Property was concern'd in the Pope's demand of two vacant Prebends in all Cathedral and Conventual Churches. And the *Truth* is, *Capitular Proctors* were summon'd at first as *Rural Proctors* were afterwards; not for Counsel, or necessary Consent in *Spiritual Affairs*; of which the Bishops and other Prelates were sufficient *Representatives* of the Church: but for *Secular Possessions*, and *Civil Rights*, which came now to be often treated in Ecclesiastical Synods, and Mixt Assemblies; and so for that reason, it was now proper to call in all chief Parties concern'd.

As False
in the
Meaning
of *Mat.*
Paris.

The Reason why Deans and Priors were the first Proctors of their Capitular Bodies.

In England (says He) *the way was for the Dean or Prior to bring up Instruments of Proxy to the Synod, which enabled him to act for his Chapter or Convent.* p. 10. This He thinks to be for Him, but in the Grounds and Occasion of it, is entirely against Him. While Synods kept to proper Synodical Debates in Faith and Manners, so long the Deans and Priors acted as single Persons, and needed no Commission or Instructions from their Capitular Bodies. But when their *Tenures* and *Privileges* came to be concern'd, and affected in such *Synods*; then the Chapters and Convents having a *distinct Property*, and separate from the *Prelates* of them, they were not to be concluded by the *Head*, without a joynt consent of the whole *Body*; and for that reason were *Now* to Authorize the Dean or Prior to speak and act in *their* Name, as well as in his *Own*. This at first serv'd the purpose; but by Degrees the Capitular or Conventual Bodies became jealous, that they were not well represented by their respective *Heads*; and therefore to make the *Bodies* more *Easy*, they were allow'd to chuse One of their *own Members*, a peculiar *Proxy* for them. And so for the same Political Reasons, the Custom was now chang'd, and Procuratorial Instruments were no longer given by a Chapter or Convent to their own Prelate, but to a Brother, or one of *themselves*. Still not upon occasion or intention of *Spiritual*, but *Temporal* Affairs. Which, if well considered, alters the whole Scheme of this Author's Ecclesiastical Policy.

In the same manner (says he) as the Archdeacons also were empower'd to represent and conclude the Diocesan Clergy, who were in those Days, when Synods were frequent, willing enough to be excus'd the Expence and Trouble of Attendance. p. 10.

This now is to prove, that the Inferior Clergy were an essential and authoritative part of Ecclesiastical Synods, and had a right to be call'd to them; and to excuse themselves from Expences and Trouble, did authorize their Archdeacons to represent them and conclude them. But the Case was not so; In the Ecclesiastical Synods for pure Church-Affairs, the Archdeacons did not alway of necessity appear, and when they *did come*, they came only in a personal capacity as *Inferior Prelates*, not as *Proctors* or *Representatives* of their Parochial Clergy. Not till voluntary Taxes and civil Aids were to be granted in those Religious Assemblies, and those Payments to be made in proportion by every Parish Priest. *Then* was the proper time of commanding the Archdeacons to bring Letters of Proxy from the whole Parochial Clergy, who by the Law of *England* might otherwise have refus'd to pay any share of a Tax, impos'd without their own consent. This, I say, was the first occasion of those Procuratorial Letters granted to the Archdeacons from the Clerks within their respective District. *This the only Reason, to relieve the Clergy from all unjust Exactions, and to grant their voluntary Aids in legal manner; a universal Imposition by an universal Consent.* All his Marginal References would have prov'd *This*, if he had understood the *Sense* of them. It is about the Grant of a Tenth, that the Archdeacons were

And why
Archdeacons first
represented
the Rural Clergy

to treat with their Clergy, *Anno 1256. Annal. Burton, p. 374.* And if the Archdeacons were the Clergy-Proctors in a Parliament of the year preceding, those Proctors had then nothing to do in Spiritual Affairs, their Powers were only to grant or deny the Aid or Tax desired by the King from the whole Clergy of his Realm, *ib. p. 355.* And in the Provincial Council of the year 1257. the Archdeacons were advis'd by the Archbishop's Writ to bring *Procuratorial Letters* from the Clergy to ratifie such Ordinances, as should be made chiefly to secure their National Liberty and Property. *Annal. Burton. ib. p. 382.* So that it is plain Fallacy in this Writer, to make the *Archdeacons* represent and conclude the *Diocesan Clergy* in *Provincial Councils*; when they did not at all represent them for Suffrage or Consent in debating or determining of *Ecclesiastical Affairs*; but only in Matters of *Property* and *Civil Rights*. They had never brought Letters of Proxy from the Inferior Clergy, but only to include and ascertain their consent or denial to Taxes and Impositions, either in *Secular Councils* or in *Ecclesiastical Synods*. In which *Latter*, the Archdeacons did not represent the Inferior Clergy for Canons or Constitutions, but only for Money. This is true and directly contrary to his Pretensions of our Parochial Clergy, being then a Constituent Part of our Provincial Councils. Whereas the Proctors of the Clergy were first brought both to English *Parliaments* and to English *Synods*, for the pure sake of defending and yielding Property and Right. *Canons* were valid without them; but not *Taxes*. And *this* again was the Reason, why Archdeacons were dis-

discontinued to be the Clergy-Proctors. When Subsidies or Taxes from Ecclesiastical Benefices were more frequently requir'd by the King, and were likely to fall heaviest on the Parochial Incumbents: Then, as Chapters and Convents had dropt their Proxy *Heads*, and gave their Procuratorial Letters to some One *Member* of their *Own*; so the Inferior Clergy might be thought not so sufficiently represented by their Archdeacons, as by some of their own degree, some One or Two among *Themselves*; who should more properly and more absolutely represent them, and *conclude* them. But *this Change* our Author does misrepresent and murder in what follows.

How the Clergy came to have distinct Proctors.

And this Method was often practis'd throughout Henry III. his Reign, till the Council of Reading in the seventh year of Edward I. order'd, That the Clergy of the Diocese should appear by two Proctors of their own; which I suppose has ever since been constantly practis'd, p. 10. Yet this Method (*i. e.* of Archdeacons representing the Inferior Clergy) was so far from being often practis'd in *Henry III. his Reign*, that it seems to have been never once practis'd, till toward the *latter End* of that Reign; and then too when the *Ecclesiastical Assembly* was to treat of the *temporal Rights* of the Clergy. Indeed the *Religious Bodies* made a much greater Figure in Church and State, than the dispersed Secular Clergy: And therefore these *Religious* were sooner called upon to give Power to their *Prelates* of being *Proxies* for their whole Body. A practise that, I think, does not appear in *England*, till the Council under *Otto*, 1237. 21 *Hen. III.* But the *Archdeacon* had not yet a long while the like

Account of the Reading Council, entirely mistaken by Mr. A.

The Tax-
ing of the
Clergy
the first
occasion of
their Call
to Parlia-
ment
and Synod.

like Procuratorial Letters from the *Clergy*; because the *Parochial* Clergy were not yet so much concern'd in Property and Privileges, as were the *Capitular* and *Conventual* Bodies. It was, when the *Spiritualties* began to be tax'd, as well as the *Temporalities*; when the *Tenth* or other part of *Ecclesiastical Benefices* began first to be levied for the Pope, and soon after for the King: Then every Parish-Priest was actually concern'd for his own stated Portion of the Tax; and his virtual consent to the Imposition could alone justify the Levy of it. Before those taxing Days, in all Councils or Synods, *Legatine* or *Provincial*, the Archdeacons did appear (yet that but seldom) in their pure *personal Respect*, and as simple Inferior Prelates acted only for *themselves*. But when *Tithes* and *Oblations* came to be valued and assess'd, as well as *Manse*, *Glebe*, and *Temporal Endowments*; then the interest and property of *Parochial Priests* was very often a Subject of Debate and Resolution: And it being a *fundamental Right* of the English Subject to have no Tax exacted, but what was granted by *Themselves*; this made it necessary to ask the inferior Clergy's consent upon such Occasions of *Aid* and *Contribution*. But the method of asking their Consent was not presently settled. They were yet *Absent* and at a distance from the Council; and it would have been but a Grievance to call them up. First therefore, to make the Tax seem voluntary, and to secure the free and easie Payment; Commissioners were sent down from the Synod to the several *Dioceses*, to procure and bring back the universal Agreement. Hence the Deans and *Priors* (who had not brought Pro-

curatorial

curatorial Letters) were sent home again to consult their own Chapters or Convents, and return to *Council* with their full Instructions. And *Archdeacons*, for the like Reason were sent down to treat with their *Country-Clergy*, and were to attend the Synod again, with concluding Powers granted to them from the *Clerks* within their respective Jurisdictions. This was usual practise to the year 1256. 40 *H. III.* When the *Archdeacons* in a Legatine Convention, having no Authority to conclude their *Rural Clergy*, in a Cause about continuance and augmentation of a Tax upon them; they were oblig'd to go back to their several Districts, and treat with the Clergy in their proper *Rural Chapters*, and bring back their Answer in a Months time. *Annal. Burton. p. 374.* A Demonstration, that the *Archdeacons* did not then ordinarily represent or conclude the *Diocesan Clergy*: For then they had sav'd so much time and trouble of a *whole Months* going backward and forward, to fetch the *Inferior Clergy's* Compliance and Assent. This indeed prov'd a sensible Inconvenience and Delay of Business. And therefore to remedy this Grievance of a *Synod*; in the very next year 1257. the *Archbishop* fell upon a better way, of ordering the *Archdeacons* before their coming up to *Council*, to take *Procuratorial Letters* from the *Clergy*, to authorize them for Acting and Concluding in *their Name*, without the tedious trouble of passing and repassing between the *Council* and the *Country*. Accordingly the *Archbishop* of *Canterbury*, in his Summonitory Letters for a *Provincial Synod* at *London, August 25. 1257.* requires that *All Abbots and Priors*
should

should come with *Procuratory Letters in the Name of their Congregations*, and the several *Archdeacons* with like *Letters on the part of the Clergy under them*, for the *Ratification of those things*, which should be then and there treated. *Annal. Burton.* p. 382. But how was this often practis'd throughout *Hen. III.* his Reign, when the Practice, for ought appears, began not till the 41st Year of that Reign? And then began, not that the *Votes of the Inferior Clergy* were wanting for any *Ecclesiastical Decrees*; but that their *Consent* was wanting to lay *Taxes* upon their own *Cures*. And that *Consent* not necessary to be brought up by distinct *Proctors* of their own Order; but by *Letters* to their *Archdeacon* to act for them. Till at last to make the *consent* more apparent, the *Archdeacons* let fall the *Trust*, and the Clergy chose their *Proctors* from among themselves.

No Arch-
deacons,
nor Lower
Clergy in
the Coun-
cil of
Reading.

He says, the first *Method* (that of *Archdeacons* representing the Clergy) was practis'd to the very Council of *Reading*: And yet, unlucky Man! it was not practis'd that very Council; and therefore not of necessary or frequent Use. In *Archbishop Peckham's Register*, we have his *Letters of Citation* to this Council of *Reading*, directed to the Bishop of *London*, and Dated at *Dover. 2. Non Junii 1279*. Here he mentions only his Brethren and Fellow-Bishops his *Suffragans*, *Fratrium & Coepis, coporum nostrorum Suffraganeorum facies desideratas videre & eorum personali frui colloquio—citari faciat, ut IV. Kal. Aug. prox. ventur. apud Rading se coram Nobis personaliter representent*—By *Fratres* here, are not meant the Inferior Clergy set before the Bishops, but the Bishops themselves; not to mention

Re-

Regular Prelates, Abbots, and Priors, which he might have call'd his *Brethren*, He himself being a *Religious*, and delighting in the Stile of *Frater Johannes*. So as here is no Summons or Intimation for the *Inferior* Clergy to come in Person or by Proxy: Because at that time Provincial Councils were full and perfect without their Company, or other consent than *Tacite*, in Obedience to the Judgment of their Superiors. The Archbishop, and his Suffragan Bishops, did at this time absolutely represent the *Church of England*, without any appearance or deputation of the *Parish Priests*. Sometimes indeed the Regular Prelates came to our Synods; and sometimes the Archdeacons; but neither of them, unless expressly cited, which they rarely not *always* were. The Bishops alone yet ordered all Church-Matters, and decreed in Provincial Synods. This is evident to have been *then* the Law and Practice of Provincial Councils. And therefore it is *Ignorance*, or somewhat *Worse* in Mr. A. to make the *Inferior Clergy* represented in Synods by their *Archdeacons*, till in this Council of *Reading*, there was a new *Constitution*, to enable them to send *Proctors* of their own. In all this *Story* about the Council of *Reading*, our positive Author is wretchedly mistaken.

He cites it as a positive Constitution or Decree in this Synod—*Item Pracipimus ut —veniant duo Electi ad minus a Clero Episcopatum singulorum qui Authoritatem habeant una Nobiscum tractandi de his que Ecclesie communi utilitati expediunt Anglicane, etiamsi de conturbatione aliqua vel expensis oporteat fieri mentionem*. This he quotes from

Mr. A. is absolutely mistaken in his Decree of this Council.

from the Acts of that Council, at the end of *Lyndwood*. p. 25. The very worst Authority for our Synodical Acts. But our Author had then lookt no farther. Yet by that time He came to his *Fifth Chapter*, He had dipt upon the same *Constitutions* in the 11 *Vol.* of *Spelman*, publish'd by Sir *Will. Dugdale*: And then he throws in a Note of Confession, that this *Edition* of the *Canons* of that Council at the end of *Lyndwood* differs from those Copies which Sir *Will. Dugdale* Transcrib'd. p. 220. But if He had gone, as an Antiquary would have done, to the Manuscript Copies themselves, of which very Many are now Remaining, He would have found no such Precept. All the Copies that we can hear of, have only the *Five First Constitutions*, and so agree with the Account in Sir *Will. Dugdale*. And indeed the Conclusion of the *Fifth Constitution* is of it self *Evidence*, that the Council there concluded, with an *Order*, that the several preceding *Canons* should be Read Four times a Year in the Rural Chapters. *Si quis vero dicta Statuta recitare neglexerit Archidiaconus, seu Decanus vicem ejus gerens, omni sexta Feria in pane & aqua jejunare per obedientiam (nisi infirmitate prepediatur) teneatur, donec in sequenti Capitulo ipsa fecerit recitari.* Here is the final Sanction, and here the End of all that Council. The other *Five Constitutions*, that follow in a continued Series at the end of *Lyndwood*, were by no means Ordain'd in the *Reading Council*, Anno 1279. but in a Council at *Lambeth* Anno 1283. as I shall soon prove.

Some
Constitu-
tions fallly
ascrib'd to
the Coun-
cil of
Reading.

Mr. *Atterbury*, upon second Thoughts at least, might have been sensible of this gross Error. For in the very first Constitution, as

it stands in the end of *Lyndwood*, the Archbishop declares that his *next Congregation* shall be at *London*, in the Octaves of *Hillary*, not Three weeks after *Michaelmas*, in time of Parliament. Accordingly the next Meeting of the Clergy was so conven'd on *January 21. 1279.* with no respect to Parliament, but a pure Provincial Synod; the King sending his Letters of Prohibition Dated 6. *January, Anno Regni VIII.* That they should attempt nothing against his Crown and Royal Dignity. There was indeed a Parliament the *Michaelmas* after the *Reading* Council 1279. but the Proctors of the Clergy were no more call'd to this Parliament at *Westminster*, than they were to a Conclave at *Rome*. The Archbishop indeed was present as a chief Member; but He would have been glad to have been as far distant, as his Inferior Clergy were: For in this very Parliament, He was forced to retract many of his Statutes and Sentences in his late Council of *Reading*, a great Hardship and Disgrace upon Him. Mr. A. may look for his *Retractions* in Printed Books, *Ryley Placita Parliament. p. 442.* *Brady Contin. Append. N. 45. p. 33.* A Demonstration, that the Inferior Clergy were not then brought up to Parliament, to Counsel and Assist Him against the Statute of *Mortmain*, a ridiculous Tale of Mr. A's Making. He owns a free Recourse was allow'd him to the Registries of the Two Sees of *Canterbury*, and *York*. A free Access was generously allow'd him; but to what purpose? Some Men go to Libraries, and never look into Books. In the Registry of *Cant.* the very First and most valuable Register is that of Archbishop *Peckham*. Why should

The Clergy not call'd to Parliament in the time of the Council of *Reading*.

Mr. *A.* tell such Stories of this *Archbishop*, and his Administration of Church-Affairs, without searching into this most Authentick Account of them? Had he turn'd over that Fair and Ample Register with Eyes never so hasty, He could not but have Corrected Himself in this Legend of the Council of *Reading*, and that Archbishop's Precept to call the Clergy to Parliament.

History of
the Coun-
cil of
Reading
from
Archbi-
shop *Peck-*
ham's Re-
gister.

He would have found in that *Register*, that there were none but Suffragan Bishops, to consult and concur with their Metropolitan in the Council of *Reading*: The Canons and Constitutions of it were regularly made without the Assent or Knowledge of the Inferior Clergy. He would have found, that in the same *Council*, tho' the Archbishop and Bishops could of themselves oblige their Clergy to *Rules of Discipline*, which was an *Ecclesiastical Right*; yet they could not oblige the Clergy to any Methods of Taxing, which was a *Civil Right*. Therefore, tho' *Canons* and *Constitutions* were properly Ordain'd in the Provincial Synod of Bishops Alone: Yet Aids and Impositions could be done only in *Diocesan Synods* of the Inferior Clergy: Which being conven'd by the respective Bishops, the said Inferior Clergy gave their own Money, and the Diocesan appointed Collectors of it. Accordingly, Mr. *A.* would have found, that in the Council of *Reading*, the Resolutions were, not for the Archbishop to call the Provincial Clergy to *Parliament*, but for all the Suffragans to call their Diocesan Clergy to *Synods*, and there to obtain their Assent to the King's demands of Money. To this Effect, Mr. *A.* would have seen a Letter of
Arch-

Archbishop *Peckham* to the Bishop of *London*,
 Dated at *Mortlake* VIII. *Id Novemb.* 1279.
 wherein the Archbishop declares, That they
 had in general considered of giving Money to
 the King in the last Congregation of Bishops, *i.e.*
 in the Council of *Reading*; but the manner of
 giving, and the quantity must be determin'd in
 Diocesan Synods, by the Inferior Clergy not to
 be Tax'd but with their own Consent: There-
 fore he Exhorts and Enjoyns the said Bishop
 of *London*, to convene the Clergy of his Diocese,
 as soon as possible, and to use his Interest for
 their complying to the King's Desires, and to
 bring an Account of their Grant to the next
Provincial Synod to be held at *London* in the
 Octaves of Hilary next Ensuing. He would
 have found, that Letters of like Import went
 from the Archbishop to every other Suffragan,
 to take the like course in every other Diocese.
 He might have found in other Registers, that
 while this Method of Diocesan Taxation was
 so depending, the King sent his own Letters
 to every Bishop, *affectionately requiring* them,
 to persuade and excite their Clergy to a
 chearful Benevolence, according to the In-
 structions they had receiv'd from the Archbi-
 shop. These Letters of the King bear Date
15 Novemb. Regn. 7. He would have found
 in the same Register of *Peckham*, that upon
 the Execution of this Method, the Clergy in
 Diocesan Method, did at last agree to give a
Fifteenth of their Spiritualities according to
 the *Norwich Taxation* for Three Years, in Two
 Half yearly Payments; the First to commence
 at the Purification of the B. Virgin, the other
 at the Nativity of St. *John Bapt.* by Collectors
 to be Deputed by the respective Bishops. Not

one word of Truth in Mr. *A*'s Story of the Council of *Reading*, and the Clergy in *Parliament* the *Michaelmas* following.

Mr. *A*.
mistaken
in the ve-
ry Letter
of that
Constitu-
tion.

Nay, the unhappiness of Mr. *Atterbury* is, that if his very false Relation about the Council of *Reading*, had been really true; yet in his way of producing it, and applying it, he does not seem to understand one word of it. His Argument upon it runs, That the Clergy of each Diocese should from henceforth appear by two Proctors of their own in every *Provincial Council*. A Mistake! It is not said, the Clergy shall so appear in every *Council* or *Ecclesiastical Synod*, but in the next Parliamentary Assembly — *in proxima Congregatione nostra tempore Parliamenti proximi post Festum Sancti Michaelis ad tres hebdomadas per Dei Gratiam futurum*. These Proctors of the Clergy were here call'd not to a proper Synod, but to an Occasional Meeting at the time of the next Parliament; not to be Ecclesiastical Law-Makers, but Ecclesiastical Members of the Civil Government: Not to Debate at all of Doctrine or Discipline; but of an extraordinary *Aid* requir'd by the King. Does Mr. *Atterbury* think, that from henceforward all Parliamentary Meetings of the Clergy, were *as such*, and *in themselves*, Ecclesiastical Synods. His Two Books run All upon this Notion, which I am sure is profoundly *False*. After the first Call of the Lower Clergy to Parliament, such *Parliamentary Assemblies* of the Clergy, had not the Nature, nor the Business of *Ecclesiastical Synods*; nor had the true Synods for a long time after this any Relation at all to *Parliament*: For want of stating their distinct Powers and Proceedings, Mr. *A* does all along confound Himself and his Reader.

But I remind myself of my own Promise to prove, that the Precept of A. B. *Peckham* for two Proctors of the Clergy in each Diocese, does belong (not to the Constitutions of *Reading*, 1279. as Mr. *A.* beyond all possibility asserts, but) to another Council at *Lambeth*, Anno 1283. It is not for the sake of exposing the hasty Thoughts of Mr. *A.* but to clear the History of the Lower Clergy's being call'd first to Synods, then to Parliaments, the Matter in *Question* and of great *Importance*.

The Constitution for Proctors in Parliament set right.

When the Council of *Reading* was over, no Proctors of the Clergy came to *Parliament* at *Michaelmas* following, 1279. nor to the next *Provincial Council* in *January* 1280. Nor have we any full Authority to believe, they were in the *Provincial Synod*, 7 *Octob.* 1280. One Historian does indeed say, That the Archbishop calling all his Bishops, Abbots, *cum toto Clero Metropolis sue*, held a Council at *Lambeth* (*Petr. de Ickham, Compilat. MS. sub An. 1280.*) but *totus Clerus* was not yet a Phrase for all the Archdeacons and Proctors of the Clergy; (as Mr. *A.* would always understand it) had the Representatives of the Parochial Clergy been then present, at least in any Judiciary or Authoritative Character, they would have stopt, or remonstrated against those hard Injunctions, which, as this Historian reports, were then laid upon Parish-Priests. Nor had the Inferior Clergy any *Proxies* in the Parliament immediately after this, at *London* in the beginning of *November* 1280. where the same Historian indeed says, *Rex instanter petiit a Clero quartam decimam* (it should be *quintam decimam*) *bonorum suorum*. But this Demand of the King seems

to have been made to the Bishops, or rather to the two Archbishops, who by their Suffragans were to deal with the Country-Clergy, and obtain their Assent in Diocesan Synods. Accordingly the Answer to this Demand of a *Quindisme* was made only by the Archbishops. He of *York* complied, and promised *pro se & Clero suo*, to raise the Supply requir'd. But the Archbishop of *Canterbury* (without any mention of his Clergy then and there to consult with him) suspended all Promise, and desired respite to the next Parliament after *Easter*; when (having opportunity in the mean time to have proper Consults of the Clergy) he did agree to the same Taxation. Another Provincial Council was conven'd by Archbishop *Peckham* at *Lambeth* in *October*, 1281. In which were no other Assistants to the Metropolitan, but Bishops and Prelates, as is evident from the very Acts of that Synod, and from the King's Letters of Prohibition to them, dated 18 Sept. *Regn. 9*. There were now indeed a more than ordinary number of Religious Prelates cited, even more than would obey the Summons: Some pleaded Exemption, and thought it yet no Privilege to be Members of Convocation. Upon which the Archbishop published a Declaration against them, *Annal. Waverl. sub An. 1281*. and ordered all the Churches appropriated to them to be sequestred, *Reg. Peckham, f. 45*. Nothing yet of the Inferior Secular Clergy in Provincial Councils, or in Parliaments. They kept home and studied to be quiet: They thought their Spiritual and Temporal Rights to be safe enough, while no *Constitutions* were enjoin'd them, but by Authority

thority of their Ecclesiastical Superiors; and no *Taxes* imposed on them, but by their own Consent, commonly given in Diocesan Synods.

I think, the first Attempt in this Reign of calling the Clergy to Parliament, was at the latter end of the year 1282. when the King in his Expedition against the *Welch*, being flusht with Victories, and yet reduc'd to great Wants, did, from *Rothelan-Castle* in *Flintshire*, direct his Writ to the Archbishop of *Cant.* dated *Novemb. 22. Regn. XI.* wherein, *desiring* he did command him, to cause his Suffragans, Abbots, Priors, and other Religious Prelates, with the Proctors of Deans and Chapters of Collegiate Churches, to come before *Him* (the King) or his Deputies at *Northampton*, in the Octaves of *St. Hilary* next ensuing. And the Archbishop, in pursuance of the King's Mandate, commits the Execution of it to the Bishop of *London*, for summoning the said Parties, by Letter dated at *Hereford*, *Dec. 10. 1282.* But hither the greater Clergy, Bishops, Prelates, Deans, and Capitular Proctors were only call'd; not the Parochial Clergy, or their Proctors, nor so much as the Archdeacons, who Mr. *A.* would have said, did otherwise represent them. Nor was *This* indeed a proper full Parliament, or National Assembly; but rather a Provincial Meeting of the Clergy; as another of the *same* nature at the *same* time in *York*. I say to *This* at *Northampton*, the Lower Clergy did not come; for they were not call'd. Nor did the Higher Clergy care to comply with such a Summons, because New and Surprizing. They did not like to be drawn into such a sort of

Clergy
first
brought
to Parlia-
ment,
11 E. 1.
1282.

The Clergy
offended
at this
Call.

The AB.
to please
the Clergy
call'd 'em
to a pro-
per Pro-
vincial
Synod.

Here the
first Pro-
ctors of
the Rural
Clergy.

Parliamentary Attendance; and therefore the greatest part absented. Upon which the Archbishop could take no better Method to serve the King, and please the Clergy, than to summon them again to *another* Time and Place, and in *another* Manner. Accordingly he dates his Letters of Citation from *Northampton*, 12 Cal. Feb. 1282. to the Bishop of *London*, for calling the Clergy by *Spiritual Authority* (without reference to the King's Precept) to meet in a *Provincial Synod* (without respect to Parliament) at the *New Temple* in *London*, a Place of Privilege and Exemption (not in the King's Court) within three Weeks after *Easter*, 1283. (no time of Parliament). But still, the great occasion of this Synod was to give the King Mony; and to facilitate this End, the Archbishop reminds his several Suffragans, that they should treat of the King's demand of Mony lately propos'd to them, with their respective Clergy in Diocesan Synods, as had been usually practis'd, and as had been particularly agreed in their last Meeting at *Northampton*. But then for better Security, he prescribes this *new Method*; that the Clergy of each Diocese should send up two Proctors with full and express Powers in *their Name*, to treat and agree with Him and his *Brethren*. And *this* proving a more effectual and dispatchful way of giving Mony, it was afterward commonly practic'd in Provincial Synods, and by degrees in Parliamentary Assemblies. This Provincial Council summon'd to the *New Temple*, seems to have been adjourn'd to *Lambeth*, where the Proctors of the Clergy being very cautious at this their first appearance in a Provincial Synod, desir'd
Respite

Respite about Answering the King's Demand of Aid : Accordingly the Grant was suspended, and the Synod broke up. But they first seem to have made those *Five latter Constitutions*, which are tackt to those of *Reading* at the end of *Lyndwood*, not distinguish'd by Mr. A. beginning with the Canon, *de mutando Chrismate*, and ending with that, *de crescentibus in sacris locis*. And here now in these Canons of 1283. it was proper to insert a Precept, that the Proctors of the Clergy should be again summon'd to the next Congregation Three weeks after *Michaelmas*. *Item precipimus ut in proxima Congregatione nostra tempore Parliamenti proximi post Festum S. Michaelis ad tres hebdomadas, &c.* as *Append. p. 25*. For to the very Letter of this Synodical Provisoe, the Archbishop did issue out his Mandate to the Bishop of *London*, to convene *such* a Congregation, with *such* Clergy Proctors, to Treat of *such* Aid or Expences, and to meet at *such* time, *apud Novum Templum, London a die S. Michaelis prox. futur. in tres Septimanas, eo quod Procuratores Cleri ultima die Congregationis sue apud Lameth inducias petierant ad respondendum Domino Regi de subsidio—Reg. Peckham. f. 8.*

Soon after brought to a Parliamentary Attendance.

These were the true Steps that were gradually made of bringing the Inferior Clergy by their Proctors to Provincial Synods *First*, and so by *Degrees* to Parliamentary Assemblies; but to *Both* on the same Occasion, to support the King and Government with their reasonable Aid and Taxes.

Should Mr. A. talk so much of *Original Constitution*, when he seems to know Nothing of the Ancient State of our English Provincial Synods ?

nods? Why confident of the Inferior Clergy being an Authoritative and Essential Part of our Ecclesiastical Councils; if he is ignorant, *when* they first came, and *why* they came? What should tempt him to make such a Legend, about the Council of *Reading*, and Archbishop *Peckham*? And *this* too, when he had cast into his *Appendix* many of those Instruments (tho' very incorrect) which would have set the Matter right. If he had wrote the *First* Book, before he thought of the *Appendix*, he might have read over the *Appendix* before he thought of a *second* Book. To have the Text before Him, and run into such strange and incoherent Expositions, is not his way, we hope, in other Cases.

Mr. A.
farther
mistaken
in the
Council of
Reading.

Nay still, there is another Part of his Book, where He tells over the same Story, even with more Confusion and Falshood. *Chap. V.* It is in the 1 *Edit.* p. 219. and stands uncorrected in the 2 *Edit.* p. 228. In his (Edw. 1.) seventh year the Council of *Reading* met, wherein it was ordered, That two Proctors should be Elected by the Clergy of every Diocese. No such Order in that Council, and no such regular Practice for many Years after. He supposes these Proctors were sent up to represent the Clergy in Parliament. And yet in his *First* Chapter, he had brought them up by the same Order, to represent the Clergy in Provincial Synods? Does he mean, that from henceforward, all Parliamentary Meetings of the Clergy were *as such*, and in themselves the same with Provincial Synods? Or does he think, that from this time no Ecclesiastical

fiastical Synods were held, but concurrent with
 a Parliament ? His Argument indeed seems to
 run all upon these Notions, which I am sure
 are utterly False. Upon the First Call of the
 Clergy to Parliament, such *Parliamentary Assem-*
blies of the Clergy had not the Nature nor the
 Business of *Ecclesiastical Synods*. Nor for a long
 time after, had the true *Ecclesiastical Synods* any
 Authority *in*, or Dependence *on*, the *Parlia-*
ment. A Truth that I must inculcate the more
 often, because the Constitution of Parliaments
 and Convocations cannot be understood with-
 out it. Mr. *A.* not content with his very
 wrong Assertion, goes on to advance *Gueffes*,
 and such kind of Opinions about it. *Whither*
Archbishop Peckham found (says He) *that the*
King had resolv'd to bring these Proctors to Par-
liament by his own Authority, and therefore prevent-
ed him by this Constitution. Most ridiculous ?
 The King had *Authority* to bring the Lower
 Clergy to *Parliament*, or else they had *never*
 come. Yet he would not do this by his own
 direct and immediate Authority ; but, as in
 like cases of Civil Summons, by commanding
 the Superiors to execute his Precept of Call,
 upon those who were *Subject* to them. Can He
 possibly think, what he here says, that the
 First Calling of the Clergy to Parliament was
 a *primary* Motion, and *voluntary* Act of the
 Archbishop ? Alas the Archbishop would not
 in *Judgment* have done it ; and he dar'd not in
Law to do it. But can this Politician imagine,
 that the *Archbishop did it therefore to prevent the*
King ? Most certainly that wise Prelate follow-
 ed the King's Directions and Commands, and
 would

Mr. *A.*
 most ab-
 surd in his
 bringing
 Reasons of
 the Cler-
 gy to Par-
 liament.

Mr. A.
wretched-
ly mista-
ken in the
Statute
of Mort-
main.

would not have pretended to such a way of Summoning, if it had not been in a sort of forcible compliance to the King's antecedent Will and Pleasure. Mr. A. is not very proud of this Conjecture, and so we must give him leave to guess again: *Or whither the Archbishop did it to have their (the Inferior Clergy's) Counsel and Assistance in opposing the Statute of Mortmain, which he foresaw would be attempted in that Parliament.* Can Mr. Atterbury be such a Man of fancy, as to conceive, that the Inferior Clergy when first call'd to *Parliament*, were to have *decisive Votes*, or so much as *joynt Consults*, in all the Bills prepar'd and presented by the Commons of *England*? If so indeed, *that Statute*, and many others, of *Provision, Premunire, &c.* had never pass'd. Alas, the *Statute of Mortmain* was in Answer to the Complaint of the *Temporal Commons*, to redress *their Grievance*, and take off the Encreasing Burden upon *their Lay-Fees*. They would not have consulted the *Spiritual Commons*, if they had been *now* in *Parliament*; when their Attendance was most settled, and their Privileges most high, *their Advice and Consent* was *never* necessary, and never requir'd, in any Civil Matters, excepting their own Taxes. Therefore if the Archbishop had foreseen the *Statute of Mortmain*, and could have brought up the Clergy to *Parliament* by his own Authority; yet he could hope for no Assistance from them in *opposing this Statute*, in the Passing of which they could have no Negative Voice, and indeed no Concern. If they had agreed to oppose it, all they could have done, was to petition against it.

Poor

Poor Mr. *A.* could not trust this Conjecture neither, and so he would come off, and say, *Or upon what other View he acted, I pretend not to say.* Why, he did not *so act* at all, and therefore no need of guessing why he *so acted*. If a Man raises a false Supposition, he may run into a thousand Whimsies to maintain it; when yet the false Hypothesis only makes the Inferences more absurd. *But from thenceforward* (says he) *I take it for granted; that such Proctors were constantly return'd to all the Clergy's Parliamentary Meetings.* From thenceforward, i. e. from the Council of Reading. No, that Council had nothing to do in the matter. Nor were *such Proctors* return'd, i. e. not expressly two for each Diocese. Sometimes but *One* for the Clergy of a whole Diocese, as in *Wales*; and yet sometimes two for a particular Archdeaconry, as formerly in some Instances within the Province of *Canterbury*, and still in effect so within the Province of *York*. Nor were any *Proctors* of the Clergy *constantly return'd* to the Parliamentary Meetings; for it was a very long time after this before the Clergy had *always*, and *without intermission*, their Session or their Summons concurrent with every new Parliament. He concludes with the greatest Mistake of all, that these Parliamentary Meetings of the Clergy, were *purely upon an Ecclesiastical Call at first, tho' the King soon let himself into a share in convening them.* Absolutely false! The Archbishop could no more bring the Clergy *purely upon his own Call at first* to the lower House of Parliament, than he could create a Lord and bring him to the upper House, *purely upon his own Writ.* The King had his *share*, and much the greater *share*

Proctors
not from
henceforth
constantly
return'd
to Parlia-
ment.

The AB.
did not
bring the
Clergy to
Parliament
purely up-
on his own
Call.

share in the very first time of convening them, tho' he is entirely out in *that time*, and in *that manner* of first convening.

Mr. A.
mistakes
the inter-
est of the
Lower
Clergy in
Synod and
in Par-
liament,

How miserably is Mr. A. mistaken, in the very Foundation of all his Work, his making the Inferior Clergy an authoritative part of our Provincial Synods, and a constituent part of our National Parliaments. When as to *Provincial Synods*, the lower Clergy for many Ages did not come but for a dutiful attendance on the Bishops, and offered only a submissive approbation of their Acts. When an Ecclesiastical Council was *full and perfect*, if it consisted of the *Metropolitan* and his *Suffragans* only. When their Canons and Constitutions were never the more invalid, for the absence of *Inferior Clergy*. When the greater Religious Prelates were but *sometimes* called to Synods: When the great Capitular and Conventual Bodies, did but *sometimes* send their Proctors: When the Archdeacons were but *rarely* summon'd; and then generally summon'd in their own personal Capacity, as Inferior Prelates of the Church; not as Representatives of the Parochial Clergy: And when, if upon extraordinary Junctures the Archdeacons had Procuratorial Letters from the Clergy of their respective Districts, it was not to include their Assent to *Canons* and *Constitutions*, but to *Aids* and *Taxes* only. When the inferior Clergy were not call'd to appear by their Proctors, by any Decree in the Council of *Reading*, nor by any other *Synodical Order*: But by the *Archbishop's Precept*, in pursuance of the *Kings Desire or Command*. When they were not at first call'd to consult and determine of pure *Church Affairs*, but

but of their *Spiritual Possessions*, and of urgent Supplies to be rais'd upon them. When the Clergy-Proctors were thus call'd to Synods, on a temporal Account of Aid and Contributions, before they were call'd to *Parliaments* on the same Account. When they were not brought up to *Parliaments* purely upon an *Ecclesiastical Call* at first, and the Archbishop's *sole Authority*; but on the King's *Requesting Command*, or *Pre-munition*, to be executed by the Archbishops or Bishops. And finally, when at their being so conven'd, they did not jointly act with the *Lay Commons*, or Vote in their Bills of a Civil and Political Nature; but might be ready to advise and direct them in Matters of Religion; while as to Temporal Affairs they had no share at all in the Legislative Power, any other way than by assisting the Government, and defending their Property, in offering or refusing their own Mony. I appeal to *Judges* and *Historians*, whither the contrary Scheme, that Mr. *Atterbury* lays, was ever History or Law.

I proceed to examine a little more of his *first Chapter*. After he has fix'd the date of of Clergy-Proctors at the *Reading Council*, with no Authority or Truth, he goes on to say, *Thus have much the same Persons been summon'd all along as now*, p: 10. Not at all the same Persons; but with great variety and change, according to different Times and Seasons. Some murmured that they were summon'd, but none remonstrated for want of Summons. The Secular Clergy submitted to the Archbishop, and the Archbishop was much directed by the King.

Not the same Persons summon'd as Mr. A. pretends.

They

They two even in times of *Popery* were thought proper Judges of the various Exigencies of Church and State. It was by no means *all along as now*; for till the Eleventh of *Edw. I.* no Inferior *Clergy*, not their ordinary Proctors, came to our Provincial Synods: And when they were then *first* call'd, it was not with an intention to give them *decisive Votes* in Ecclesiastical Causes; but to do more solemnly in *Provincial*, what they had before done in *Diocesan* Assemblies, *i. e.* to be considering and concluding how to give, or not to give their own Money. *Their* Counsel in this respect alone was necessary; and their Summons did at first depend upon *these* Occasions only. The Archbishop was even after this time not oblig'd to call any of *necessity*, but his Suffragan-Bishops. *He* and *They* made the *complete* Synod and the *effectual* Canons. *Lynwood*, upon great Knowledge and Experience, had expressly taught this Doctrine. And therefore Mr. *Atterbury*, who is above respect of Persons, does in a grievous manner fall upon him, calls him an ignorant Canonist, a Flatterer of his Governors, a Looker after Bishopricks, a Dean of the Archies, and I don't know how many more hard and false Names. But I have already vindicated that Learn'd and Judicious Writer, and shewn his *Gloss* upon the constituent Members of Provincial Synods to be the Right and Praise of those Times.

But (says Mr. *A.*) our Bishops themselves have been more just to the Rights and Interests of the Inferior Clergy, allowing them not only a Consultive, but a Decisive Vote also in Synods, p. 15. And for this, he finds it so laid down in a Paper sign'd
by

by Four of them under Henry the Eighth's Reign. It is a good Argument, however meant, to cite the Authority of our Bishops against the Privileges of their own Order. Had they believ'd, there could be no legal Decreeing or Ordaining in *English Synods*, without the decisive Vote of the Inferior Clergy; they would have so acknowledg'd in many occasional *Declarations*, and in the *Canons* themselves. But I am sure, this of the four Bishops under Henry 8. is no Acknowledgment at all. They are treating only of *General Councils*, to which Mr. A. confesses, the *Inferior Clergy came not ordinarily in their own Right*, p. 6. And to exclude the Lay Powers from decreeing Articles of Religion, and Lay-Men from being authoritative Members of a General Council, they say that, *In all the ancient Councils of the Church in Matters of Faith and Interpretation of Scripture, no Man made definitive Subscription but Bishops and Priests, for so much as the Declaration of the Word of God pertaineth unto them*, Burn. Hist. Ref. vol. 1. p. 174. All very true! but not a Syllable of it to the purpose of Mr. A. who would from hence infer, that in our English Provincial Councils, the Inferior Clergy had a *decisive Vote* in Matters of Discipline, and the Government of the Church. A Consequence only of Force and Fallacy.

In the course therefore of our Provincial Synods, the Inferior Clergy's consent was expected, and not that of the Suffragans only. It is so indeed now, and we desire it may so continue. But it was not so for some Ages of the English Church. Before they sent Proctors, they could give no consent. The Archdeacons were but rarely

Mr. A.
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and occasionally their Proctors, not for *Judgment* in Canons, but for *Consent* in Taxes: And had they been their standing Proctors upon all Accounts, yet these Archdeacons themselves were not a *necessary* nor a *constant* part of Synods; and therefore could not *represent* others, when they did not *themselves* appear. When the Clergy did return select Proctors of their own Body, it was at *first* but to the same purpose, of consenting to *Taxes*, not to *Canons* and *Constitutions*. All the proper Ecclesiastical Acts were reserv'd, as before, to the Archbishop and Bishops, as Governors of the Church. Till by slow degrees, the Inferior Clergy were admitted to a share in the *Spiritual Legislature*, which we desire they may still preserve, because we know the *Best* of them are wise and charitable Men.

Mr. A. very Injurious to the Rights of the AB. of Cant.

Our Author (for Purposes best known to himself and his Friends) has all along a Mind to make the Inferior Clergy *greater*, and the Archbishops of *Canterbury less*, than They really were. So finding it to be the custom in our Synods, for the Archbishop alone to *Decree* and *Ordain* the Canons; he resolves this Prerogative not into his Power of *Metropolitan*, but into his Title of a *Legat Born*: And in virtue of *that Character* (says he) *he might take upon him to Decree and Ordain, as the Pope did in Foreign Councils*, p. 16. I take this to be very false, and very Invidious. An *English Divine* should not thus derogate from the Rights of our *National Church*; and derive an Authority from *Rome*, that was inherent in the *Primate* of All *England*. But for this detracting Notion of the Archbishop in Council being the *Pope's Vicar*, he

he cites a Passage of AB. Peckham, in a Letter to the Bishop of London.—*Quasi velitis jura Cantuariensis Ecclesie ad simplices Metropolitanos limites coarctare.* So indeed he twice prints it; *ad simplices—limites*, instead of the true Reading, *ad simplicis Metropolitanos limites*, which must be either a heedless Ignorance of the Words, or a wilful perverting of the Sense. But whoever looks into the Instrument, where he cites it, *Whart. Append. ad Hist. de Ep. Lond.* p. 270. sees, it has no relation at all to the Archbishop's Presiding or Decreeing in Synods, but to clear by another Matter. Nor does it mean any thing of Legatine Authority, but of pure English Primacy, and the Rights of the See of Canterbury settled upon the Laws and Customs of this Church and Nation. O what a terrible Rebuke would he have given to Dr. Wake! What fierce and foul Words! If the Doctor had been so unlucky, as to have deriv'd the Archbishop's Synodical Powers from the Pope's Chair; and made a Quotation for it, with a Misspelling to destroy the Sense; and with a Misapplication, that it will no way bear.

Mr. A. shamefully false in the Words and Sense of a Letter of ABp. Peckham.

The Metropolitans (says he, p. 17.) were by the Canons oblig'd to call those Synods yearly. Neither was leave to be asked.—Not because these Canons were above the Law of our Country; but because they were receiv'd into it, and made a part of the Constitutions and Usages of the Kingdom. A meer Fable! The frequency or intermission of Provincial Synods in England, was known to depend upon the pleasure of our Metropolitans, who repeated or discontinued the Call of them, with great Submission to the Desires and Com-

Synods did depend on the Metropolitan's pleasure; not, on any stated Law

mands of their Prince, and with a wise regard to the Necessities of the Church. *Sometimes* more than one yearly *Synod*; and *sometimes* not One in several Years. The Archbishops, when they summon'd frequent Convocations, made their Apology for giving their Brethren too much Trouble, and commonly excus'd themselves for doing so by the King's impotunity. But they never kept their stated *Annual Synods*; nor did they ever confess themselves oblig'd in Law or Conscience to it. For why! Primitive Rules of Discipline were not *All* of them English Law, but *such* only, as were adapted to our own Constitution, and ratified by our own Consent. Foreign Laws were to be naturaliz'd, before we *Britains* own'd them. Mr. *Atterbury* has no History nor other Reason to support his bold Pretence, and justify the Badge of Slavery he would pin upon us, *That the Canons obliging Metropolitans to call yearly Synods, were ever receiv'd into the Law of our Country, and made a part of the Constitutions and Usages of this Kingdom.*

Few or no
Synods
while Par-
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were sit-
ting.

'Till Archbishop Chichley's time (says Mr. Atterbury) Convocations were frequently held, even while Parliaments were sitting, without any other Writ from the King, but what was contained in the Bishop's Summons, with the Clause of Præmunientes. This Mr. A. asserts, in my Opinion, very rashly and absurdly. I deny that Convocations or Provincial Synods were ever held, even while Parliaments were sitting, by virtue of the Præmunientes Clause. That Clause might bring the Clergy to attend at Parliament, but not to constitute a Synod. The Clergy so conven'd might be a Parliamentary Body of Men,

to present their Grievances, and give their Mony ; but as *so only* conven'd, they never were a Conciliary or Synodical Assembly, and never at all decreed or debated of the pure spiritual Affairs of the Church. It was by degrees found expedient, that the same Clergy summon'd to the *National Parliament*, should at the same time be summon'd to a *Provincial Synod* or *Assembly*, concurrent with that *Parliament*. But then *This* was by another Writ, besides that contain'd in the Bishop's Summons, with the Clause *Pramunientes*. And even by another Writ from the King. For the King commanded the Archbishops to call the *Clergy* of their whole *Province*, as well as the Bishops to call the Clergy of their whole *Diocese*. And the Archbishops did execute the *Provincial Writ*, as much and more, than each Bishop did the *Pramunientes Clause*. And yet, when the Clergy were in these Provincial Parliamentary Meetings, they did not look upon themselves to be the right and proper Ecclesiastical Synods. Such still were those call'd by the Archbishop's immediate Authority in the Intervals of Parliament ; they alone yet made the *Canons* and *Constitutions* of the Church. So that Mr. A. while he is treating of a *Convocation* or *Provincial Synod* simply in it self, could not possibly have run further from the Truth of History, than he does in these Words : *Till Archbishop Chicheley's time, Convocations were frequently held even while Parliaments were sitting, &c.* For till Archbishop Chicheley's time, Convocations, as simple Provincial Synods, were most commonly conven'd out of Parliament, not while Parliaments were sitting. Were conven'd by spi-

Parliamentary
Convocations were
not Ecclesiastical
Synods.

ritual Authority, not by any King's Writ. The other Parliamentary Provincial Meetings, had the King's special *Provincial Writ*, as well as the common *Premunientes Clause*. Or else if that Clause could make them a National Parliamentary Convocation, it never could make the two distinct *Parliamentary Provincial Assemblies*. There is a miserable Confusion all along in Mr. A. as if he thought every Parliamentary Meeting of the Clergy, to be an Ecclesiastical Synod, and every Ecclesiastical Synod to be a Parliamentary Body of the Clergy; than which, nothing more false in Fact and Law.

Mr. A. does not understand the Sense of Stat. 8. H. 6. about the privilege of Members of Convocation.

This confounding Assemblies in their Nature separate and distinct, leads our Author on to more and more Absurdities. *After the 8. of H. VI. the Clergy if they met by the King's Letter, had the benefit of the Act of Parliament of that Year.* *ibid.* p. 18. Mr. A. is a very unhappy Interpreter of Acts of Parliament: He is utterly on the wrong side of the Sense of Stat. 8. H. 6. cap. 1. He thinks, the *Protection* now given to the Clergy, was given to all Members of every pure Ecclesiastical Synod. No! the *Protection* was not given to the meer *Church-Councils* or *Synods*, but to the *Parliamentary Convocations* only. If the Clergy were summon'd by the Archbishop (as they might still be) upon pure Ecclesiastical Authority, for pure Ecclesiastical Affairs, in any interval of Parliaments; They had then no Title to such *Liberties and Defence*, as is here granted. Again, Mr. A. makes the Grant of *Protection* conditional, *If they met by the King's Letter, they had the benefit of the Act.* Why, in Parliament, as here meant, they were never form'd into
con-

concurrent Provincial Convocations, without the King's Letter. Such Letter is no condition of *future* Privilege, but a Supposition of *past* Practice. This very Act was now made at the Request of the Prelates and Clergy call'd to, and sitting in, a *Parliamentary Convocation*. Here in *Parliament*, they petition'd that *they* and their Servants (*i. e.* the Lower Prelates and Proctors with the Servants of them ; for the Bishops had the Privilege before) might have the like benefit of Indemnity and Protection with the *Temporal Commons*, while call'd to *Parliament* with them. And the reason was, the *Spiritual Commons*, tho' attending at *Parliament*, had no share in the Legislative Power, as exercis'd in any Civil Matters, excepting their own Taxes : And therefore the Privileges of the *Spiritual* and *Lay Commons* did not yet *run even*, as Mr. *A.* imagines, but in this respect were at a great distance. The *Lay Commons* had a customary protection for them and their Servants. The *Spiritual Commons* had none, till being now constantly summon'd to *Parliament*, they thought it reasonable to sue for the same *Immunity* to themselves and their Servants, which the *Lay Commons* did enjoy.

The Privilege of that Statute was for Parliamentary Convocations, not Provinc. Synods.

This favour they petition'd for, and indeed they purchas'd *this favour*. They gave Two several Taxes in this *Parliamentary Meeting*, and it was to gratify them for their *Benevolence*, that this Law of Freedom and Protection was granted to them. From *Chichley's Register*, and *Parliamentary Rolls*, it appears the Case was so. A Request of a *Parliamentary Convocation* granted only to the like *Parlia-*

A privilege purchas'd by the Clergy.

mentary Convocations. Mr. *A.* seems to think, that the words of the Statute, *All the Clergy from henceforth to be call'd to the Convocation by the King's Writ*, Do mean, that all the Clergy from henceforth shall be called to the *Convocation* by the King's Writ. Alas, they had been long before, indeed all along, call'd to *Parliamentary Provincial Convocations* by the King's Writ to the Archbishops. That Clause means only, that this Statute can have no *Retrospect*, but provide only for a *future Privilege*; and shall therefore extend to all the Clergy from *henceforth* (as usually) to be called to the *Convocation in time of Parliament*. If they were call'd out of Parliament, it was by the pure Authority of the Archbishop, and for the only purpose of Spiritual Interests of the Church, and then they had neither the *Writ* of the King, nor the *Protection* of the Statute.

The Clergy could not desire the King's Writ for a Parliamentary Protection.

And therefore, it is a little hard and groundless again for Mr. *A.* to say, *The Clergy therefore, I suppose, usually desir'd it* (the King's Writ) to gain the *Parliamentary Protection*. I find, I must tell him over and over, that for *Provincial Parliamentary Convocations*, the Clergy had the King's Writ in course to the Archbishop, but this at the King's Wisdom, not at *their Motion*; they never did, and never would desire it: Especially not desire it to gain the *Parliamentary Protection*; For they knew, it was not the *Writ*, but the *Attendance upon Parliament*, that gave them the Statutable Protection: They had long received such *Writs*, before they enjoy'd such *Privileges*. Not (says Mr. *A.*) as Fuller idly Conjectures, to avoid a *Presumption*. Why, if Fuller had really so conjectur'd, it had not

not been more idly done, than what Mr. *A.* has here conjectur'd upon the same matter. But to do justice to *Fuller*, He does not so conjecture, that after 8. *Hen. VI.* the Clergy desir'd the King's Writ to avoid a *Premunire*. No such Conjecture in the place, to which Mr. *A.* refers in his Margin. *Ch. Hist. B.* 5. p. 190. Much less Dr. *Wake* from him, as he confidently says, and cites *Author. of Christian Princ.* p. 230. when there is not a word in that place, to that purpose.

A Person that writes at this fictitious rate, would be a much better Champion for another Church of Traditions and Legendary Tales; than for our Church, that can be supported by nothing but Sincerity and Truth. To relieve the Reader, I'll tell him a pretty Story of Mr. *Aterbury* in his Preface to both Editions, says He, p. XXIV. were it not on some other Accounts, besides the meer merit of the Work, it would have deserv'd no Answer, but what the Fryar in one of our Histories gave in a certain contest with his Prior---*Et Frater Solomon de Ripple ad monitionem dicti Prioris respondit, sic dicendo, Truseles, Truseles, Truseles.* To which Mr. *A.* has affixt this Edifying Note in the Margin: *An Old English Word for Trifles. Thorn. col. 1064.*

A pretty Story enough, if it were not so wretchedly told. For *Solomon de Ripple* here was no Fryar, but a Regular Canon; nor had he any contest with his Prior, but with the Prior of another House, in defence of his own Abbot. The Canon was of *St. Austin's* in *Cant.* and the Prior of *Christ-Church*. Nor did he cry out, *Truseles*, but *Truthless, Truthless, Truthless*: To deny

Mr. *A's*
Truseles is
indeed
Truthless,

ny the *Truth* of the Prior's Allegation of a pretended Bull; not a *Trifle*, but of very great Importance: only not a *true* and Authentick Bull, but all *Forgery* and *Falshood*; as the Context proves the sense, *arguebat & impugnabat dictam bullam fore falsam—dictum Rescriptum—falsatum vel falsum & multipliciter suspectum—* Indeed the Transcriber and Printer have made it *Truseles*, by an easy mistake of the Saxon *th* for *f*. and Mr. Somner took it so on trust. Let Mr. *A.* understand *Truseles*, I could apply it more properly in its genuine Reading, *Truthless*. And then let Mr. *A.* learn, that to make a Jest upon a piece of History, often spoils *Both*.

Prohibitions never sent to Parliamentary Convocations, but to Synods only.

In the very next Paragraph, Mr. *Atterbury* goes on to assert, what must be absolutely denied. *When they met* (i. e. the Clergy by the King's Letter) *Writs were often sent to them by the King, forbidding them to attempt any thing against his Crown and Dignity.* I have before told him, and now again assure Him, that *this* is a perfect Mistake. I appeal to his own Industry, and the Knowledge of all his Friends, whether Any One Prohibition was ever sent to a Parliamentary Convocation of the Clergy, conven'd by the King's Writ. If they produce a *single One*, I'll own my self guilty of (what I naturally detest) too great a share of confidence. I have a *little* examin'd things, and I am a *little* acquainted with Records: but I never hit yet upon a formal Prohibition sent by the King to any one National or Provincial Convocation call'd by the King's Writ, and sitting concurrent with the Parliament.

No

No sort of Prohibitions in Writs or Messages, and no need of them. For the Clergy in these *Parliamentary Convocations* did not yet Establish any Canons or Constitutions, wherein they might haue Trespass upon the King's Prerogative, or the Subjects Liberty; and therefore *no Occasion* to restrain them in a Power, which they did not *here and now* Execute. Royal Prohibitions were only proper, when the Clergy met in a *true Ecclesiastical Synod*, independent on the Civil Magistrate, conven'd by the Archbishop or Legat only, without any reference to King or Parliament.

Here alone was their Business of *Sentences, Decrees*, and other *Spiritual Ordinations*, in which they were confin'd by their Nature of a Church Synod to the *Power of the Keys*; but they were apt sometimes to affect *Temporals* in order to *Spirituals*, and so to prejudice the Interests of the *State*. And therefore to contain them within the just Bounds of pure *Ecclesiastical Jurisdiction*, the King sent his Prohibitory Writ, directed to the *Synod*, and commonly delivered by the King's Messengers in it; that they should not presume to *do*, or *ordain*, or *attempt* (the Phrase varied in various Writs) any thing, that might prove to the prejudice of the King, his Crown, or Dignity. Scarce any one *Ecclesiastical Synod*, out of Parliament, but was thus expressly inhibited not to exceed their Bounds of *Church Power*. But never (I say) any *Parliamentary Convocations* were so prohibited, or needed so to be; for there was no danger of exceeding a *Spiritual Power*, which they did not *then and there* exert. All *Parliamentary Convocations*, whether Nation-
ally

ally called by the general *Præmunientes*, or Provincially assembled by the King's particular Writs to the two Metropolitans, meddled only with Parliamentary Matters, Petitions for Redress of Grievances, and Aids to supply the King in his Publick Wants.

This fundamental Error in Mr. *Atterbury*, confounding the Nature and Actions of *Ecclesiastical Synods* and *Parliamentary Convocations*, has made him write a Book or two upon a Subject, which he does not understand. And it makes him perpetually run into such Assertions and Suppositions, as have nothing but meer Fancy to support them. As in his next words. *And these Prohibitions are allowed to have been tacit Permissions of such Assemblies, provided they kept within their Bounds.* For which right Opinion wrong applied, he cites *Bishop Stillingfleet's Duties and Rights of the Parochial Clergy*, p. 371. If Mr. *Nicholson* had produc'd this Authority, Mr. *A.* would have come with his upbraiding Jest of a *Little Author from a Great One*. And yet Mr. *Nicholson* quoted the Words of *Bishop Stillingfleet* in their own Sense, as an honest Man would do. But Mr. *A.* seems here not to understand, or not to let the Reader understand, the Sense of that Learn'd and Judicious Author. He meant, what I assert; That Prohibitions were sent to such Provincial Councils or Synods, as were indeed assembled without the King's Writ or Authority. But yet these Ecclesiastical Assemblies were not so held in contempt or defiance of the Civil Power: For the very *Royal Prohibitions* sent to them, might be thought the King's *tacit Permission* of them. A good way of Arguing!

But

Mr. *A.*
abuses Bp.
Stillingfleet
by the ci-
ting of
him.

But as Mr. *A.* borrows this Judgment, he entirely perverts it. For, says he, *when the Clergy met by the King's Letter, Writs were often sent to them by the King, forbidding them——And these Prohibitions are allow'd to have been tacit Permissions of such Assemblies.* What! when they had already an exprefs *Summons* by the King; had they *after* this a tacit *Permission* from the King? To what purpose? Does there want a *Connivance*, after an avow'd *Command*? And must we be *tacitly* permitted to do, what by the same Authority we are *expresly* requir'd to do? The only Consequence is, that some Men's Understanding deserts them, when they desert the Truth.

But on he drives in Triumph. *And so indeed they certainly were; for otherwise it had been as easie for the King to forbid their Meeting and Sitting, as their acting in such and such Instances.* But it was not as *Easie*, because it was not as *Lawful*. The King had not then an equally Legal Right to forbid the *Meeting*, as he had to forbid the *Acting* in such and such Cases, of an *Ecclesiastical Council* or strict *Provincial Synod*. By the then Constitution of Church and State, the *Archbishop* conven'd his *Comprovincial* Members of a *Synod* when and where he pleas'd. And the *King* allow'd the *Practise*, as a common Custom of his Christian Realms; and would not therefore *easily* interpose to forbid their *Meeting* and *Sitting*, unless upon some extraordinary Juncture, that should justify such an extraordinary Act of Prerogative; as the entering upon an Expedition, which would be retarded by such a Meeting; or the calling of a Parliament then inconsistent with a
Church

Our Kings could then forbid the Illegal acting of Synods, but not the regular Meeting of them.

Church Synod. But then, tho' it was *not easy* for the King to prohibit their *Meeting*; yet it was *easy* for him to prohibit their *Acting in such and such Instances.* For meeting by pure spiritual Authority, upon pure spiritual Affairs; it was proper for the King to remind them, that they should keep within their Commission, and not intrench upon the Civil Rights of King and People. Mr. *Atterbury* would be *for the Church*, and will represent me, I doubt, as he has done my Betters, to be *against the Church.* But my Judgment and my Heart are as much for the *Church of England*, as he can possibly pretend to; and *more so*, than this way of Writing proves him. He has here thrown up a customary and legal Right of the English Church before the Reformation: When the *Archbishops* had an *ordinary Right* to convene their Synods; and the King had not an ordinary Right to forbid the Meeting of such Synods. At least he could not *as easily forbid them to Meet*, as he could to *Act* in such and such Particulars, which might hurt the Rights of the Crown or the Liberties of the People. Which Rights and Liberties, the *Clergy* were oblig'd not to prejudice; and the *King* was oblig'd not to suffer any Prejudice to be done to them. And therefore, if the King in some *Cases of Necessity*, to preserve the Civil Peace and Safety of his People, might have recourse to an *extraordinary Power*, and might possibly forbid a Synod to *assemble*; or rather require the AB. to *suspend* their Assembling to a more convenient time. Yet was it a much more Legal, Easy and Ordinary Method, for the King to prohibit every such Assembly from *Acting* in temporal

poral Causes, wherein their *Acting* was only an Usurpation on the Civil Government.

Historical Arguments do so much depend on the connexion of Things and Times ; that *Once* in the wrong, and without Retracting, it must be *always* so. For thus Mr. *A.* proceeds, *Which yet (i. e. the King's forbidding their Meeting and Sitting) he appears very rarely to have done ; and to have been yet more rarely obey'd, when he attempted it, p. 19.* Why yes, the King *rarely* did it ; because he would rarely strain his Prerogative, to inhibit the AB. *from doing*, what he had a customary right to do. And if the King was *rarely obey'd* in this Attempt, it shew'd, the Archbishop thought it some invasion upon his Ecclesiastical Property.

Mr. *Atterbury* tells us, *The oldest Instance insisted on, is a Prohibition of Geofry Fitz-Peter, Lord Justiciary to Hubert Archbishop of Cant. but not obey'd, Anno 1200. —* Indeed at this time, the Archiepiscopal Power of convening Synods, was not altogether so much confirm'd and establish'd, by being taken in to the Customs and Usages of the Nation, as it afterwards was. *Before this*, the Kings of *England* had claim'd such a share in the convening of Synods, that in the time of *Will. I.* the Sessions of Ecclesiastical Councils, and the Decrees of them, were resolv'd all, in a manner, into the Will of that Prince. And in the next Reign, the stoutest and most self-denying Archbishop *Anselm*, dar'd not to assemble a Synod, not because the King *forbid it*, but, because he did not actually *concur* and *authorize* him in it : And yet the Archbishop and Bishops did prudentially

Mr. *A.* is utterly mistaken in his Instance of *Geofry Fitz-Peter's* Prohibition.

dentially submit, and thought it best to con-
 nive at the *Necessity*, or if you will, the *Ini-*
quity of those Times. And perhaps the Metro-
 political Right of calling Synods, had never
 been duly restor'd in *England*, unless the Pope
 had given a new Commission, by adding the
 Title of his *Legat* to that of *AB. Cant.* and
 had so encourag'd *AB. William*, to resume the
 Power of summoning and presiding in Coun-
 cils; which Power he began to exercise about
 the Year 1126. and yet dropt it again in the Year
 1130. when the Legatine Character was taken
 from him, and given to the Bishop of *Winchester*.
 But to return to Mr. *A.*'s Instance of *Fitz-*
Peter, and Archbishop *Hubert*. I doubt, he
 entirely mistakes it. He would have this to
 be a *Prohibition* of the *Lord Justice* to the *AB.*
of Cant. to hinder the Council *Meeting*, which
 he had then summon'd to *Westminster*. But *this*
 I much question. For this *Prohibition* could not
 be in the King's absence in *France*: It must be
 after his Return and Coronation with his
 Queen by *AB. Hubert*, 8 *Id. Octob.* 1200. So
Hoveden places this Council among the *last* Tran-
 sactions of the Year; and so does *Walt. Co-*
ventre with him; and expressly after the Com-
 position between the Archbishop and Monks of
Cant. about the *Chaple of Lambeth*, which in
 my MS. Copy of it, bears Date 8 *Id. Novemb.*
 1200. After this Season of the Year, the King
 was not abroad; and yet, if at home, the
 Prohibition one would think should have run
 in the King's Name, not in the Chief Justice's.
 And therefore, I do not look upon *This* to have
 been any Prohibition of their *Meeting*, but on-
 ly an Inhibition against their *promulging* and
exe-

executing their Decrees, which being made in pursuance of the *Lateran Council*, would have altered our Constitution and our National Customs. In which Case, it was a proper Duty of the Lord Chief Justice to forbid the execution of such *Canons*, as would be inconsistent with the *Rules* of his Court and Common Law. If it were such a sort of *Prohibition*, Mr. *A.* cites it to a wrong purpose.

Mr. *Atterbury* runs on. The oldest Writ produced is 9 John. Anno 1208. See it in *Prin. 3 Tom. Eccles. Jurisdic.* p. 10. *Whither* comply'd with or not, I cannot tell: But suppose it was, for it issued out upon a Complaint of the whole Parliament. Unlucky Man! this Writ was not in the 9th but the 8th of King John. Nor was it in the year 1208. but 1206. May 26. In Patents and other Writs, these little Matters of Day and Year are of very great Importance, and should not be jumbled into Disorder and Confusion. He produces *this Writ* again for a Prohibition of *Meeting*, when to guess in a Matter left in the Dark, it might be a Prohibition only of *Acting* in Things beyond their Sphere. The very direction of the Writ seems not to the A.B. intending a Council, but to all the *actual Members* of that Council, the Members not *summon'd* to meet, but already met at St. Albans—*Rex Archiepiscopis, Episcopis—& omni Clero apud S. Albanum convocato.* Perhaps not to forbid their *Assembling* in that Place, but to restrain them there *Assembled*, from laying a Tax upon the Nation, which they had no Authority to impose. And therefore the King commands them to supersede or desist, *i. e.* to break up and dissolve their Treaty upon *Rome'scot*, or an annual

Mistaken in the oldest Writ of Prohibition, both as to the Date, and the Sense of it.

Payment to the Pope—*A celebratione hujusmodi Concilii & a predictis tractatibus supersedeatis.* It would be still hard for Mr. A. to prove, that this *Writ* issued out upon a Complaint of the whole Parliament; for perhaps it was only of the King's ordinary Council, or of a Convention of Military Men, then preparing for an Expedition with him. Had a Parliament been sitting at York near the Date of the Writ, the Archbishops, Bishops, and Abbots, had not been summon'd to a Council at that very time at St. Albans. He does not find, it seems, whether this *Writ* was complied with or not, but supposes it was. If the Prohibition had been as he represents it, to forbid the Meeting, he may suppose it comply'd with; But if the Prohibition was only to restrain them from making any Decree or Canon about Rome'scot, without supposing, it was comply'd with, or rather in Duty obeyed.

Mistaken
in his next
Instance
of a Pro-
hibition,
41 H. 3.

A thtrd Instance (says he) *I find in 41 Hen. 3. when the Convocation was forbid meeting at London; because the King had at that very time, summon'd all the Members of it, that owed him Service to attend his Army in Wales. But tho' this Prohibition was so reasonable, yet it was not obey'd.* This Instance which he calls the Third, was perhaps the first Instance of a Writ of Prohibition to prevent the stated Meeting of a Synod. Yet the Writ Mr. A. refers to in *Pryn*, vol. 11. p. 890. is not the proper Writ of Prohibition from the King to the Archbishop (that is in another Form) but one Copy of the many other distinct Writs directed to each Bishop, and to every Prelate that held by Barony, not
to

to pay their Attendance at the Archbishop's appointed time in *Council*; because at the same time they were bound by their Tenures to attend him, in his then designed *Expedition*. Nor was *This* an absolute Prohibition, to prevent or to *dissolve* the *Council*, but only to *defer* and to *suspend* it, till the greater Occasions of the King's Service were *first* answered. And therefore, if that bold Archbishop and his Suffragans did meet upon the Day first assign'd in contempt of the King's Writ, or in presumption of his Pardon (when their chief Business was to ask his acceptance of their Money) yet perhaps the Archbishop *prorogu'd* the Assembly, and they did *suspend* their Acting Synodically, till the King's Expedition was over. For the *Annals of Burton* do expressly say, that Boniface Archbishop of Cant. held—*Convocationem isto Anno (1257.) apud Lundonias semel & secundo de die in diem.*—Enough for a Conjecture at least, that when they met *first*, they broke off to a *second* Meeting; or were adjourn'd from Day to Day, till the King's Prohibition ceas'd, and the Occasions of it.

But (says he) afterwards, in 20 E. 2. the Archbishop having called a Convocation to meet at London in Quind. Mich. and the King a great Council at the same time at Sarum; a Writ went out to the Archbishop in this Form,—*Vos rogamus, &c.* and upon this He prorogued the Convocation for a Fortnight. This but afterwards was no more than had been formerly. Only the King had not call'd his great Council at Sarum, as Mr. A. makes it; but at Stanford, as the Writs and Registers are plain. Nor again, was the Prohibition to forbid the Meeting (as Mr. A.

And as false in his other Instance of 20 E. 11.

argues) but to *suspend* or *prorogue* it, till the greater Necessities of the King, and a great Council summon'd, should be *first* serv'd. Nor Lastly, did the Archbishop and Bishops *desist* from appearing in the Synod, according to this first Citation. For at this very *Quindene* of St. Michael, they did *actually* hold their Synod at Lambeth, as *Hist. Roff. in Angl. Sac.* vol. 1. p. 366. however the Archbishop did *prorogue* them to the day after the Commem. of All Souls. *Reg. Reynolds, MS. f. 313.* For *this* then was the Law of Church and State: The Archbishops had the Power of convening Synods, at their own Discretion for Time and Place. But if the AB. should happen to appoint a time, when the King had a *Prior Right* to the Members attending him in *Expedition* or in *Parliament*: There the Affairs of the Church were, for a *Season*, to give way to the Safety of the *Kingdom*. And the King had then a Right to command the Archbishop to suspend or prorogue his intended Synod: And likewise had a Right to command the several Bishops and Baron-Prelates to refrain for *that time* from going to the Synod, that they might come to his more *immediate Service*. Which is the whole Truth of what Mr. A. has so wretchedly disguis'd.

And in his last Instance contradicts all the former.

When therefore Archbishop Stratford held a Provincial Council (1341.) on purpose to oppose some Arbitrary Proceedings of Ed. III.—We find not, that the King forbade their Assembly, but only their Treating and Agreeing of such things, as were to the hurt of his Prerogative Royal. An Argument that Mr. A. is mistaken in All that he has before advanc'd of Prohibitions. Had it been

been *easy* for our Kings to *forbid the Meeting and Sitting* of Provincial Synods; No Prince had ever more provocation to disappoint their *Assembling*, than at *this Juncture*. But for all the *Arbitrary Proceedings* Mr. *A.* complains of, the King would not here exert such an *Arbitrary Power*. He knew, that his later Predecessors had never at all absolutely *interdicted* an *Ecclesiastical Synod*, nor commanded the Archbishop to *suspend* their Meeting; but when it was to pay an antecedent Duty, the attendance of his Spiritual Lords in *Parliament*, or in a *Military Expedition*. And there being now no such Occasion, He would not concern himself to offer at any Restraint upon their *Meeting*, but only upon their *Acting* within the proper bounds of Allegiance to Him. *Prohibitions of this kind* (says He) *were sent to every Bishop of the Province—and One of these Forms for the honour of that Archbishop, I shall present the Reader with in the Appendix.* This way of sending the Prohibition to every Comprovincial Bishop, was no singular Method, and now first observable, as Mr. *A.* implies; but it was the common practice of former Reigns. And therefore, if He must needs give the Reader one of these Forms, *for the honour of that Archbishop*, He should not have given the Writ directed to a Suffragan Bishop, but *that directed to the Archbishop himself*, if he had then known, what he has since seen in *Brady Contin. Append. p. 83.* This primary and leading Writ had been at least *more to the Archbishop's Honour*. But indeed as far as *Honour* was concern'd, it was most to the *King's Honour*, not to suffer Civil Laws and Statutes to be the

Subject of Debates and Decrees in an Ecclesiastical Synod.

Deceives
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ing, the
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Proctors
were ever
Men in
Holy Or-
ders.

His next Paragraph is all as faulty. *The King had also his Proctors or Commissioners sometimes in these Meetings—but they were ever Men in Holy Orders.* p. 20. Not ever Men in Holy Orders; nay never in any One Commission were they *All Men in Orders.* The King's Proctors or Special Solicitors sent by Him, to carry his Letters of Prohibition, or to offer Proposals, or to enter Protestations and Appeals, were common *Lay-Couriers*, and *Civil Officers*, tho' the King sometimes joyn'd with them, some One of his own Clerks, who had a more immediate dependence on Him. Mr. *Aiterbury* cites for his positive Assertion. *Pat. 37. H. 3. m. 19. in Fryn Eccles. Jurisd. tom. 2. p. 807.* When *that* proves nothing but a Deceit upon Himself, or his Reader. For in that very Instance, the two Proctors were not both Clergymen. I am sure, there be other Instances, where both the Proctors were Laymen. As in 8. *Ed. 1.* Roger *L'Estrange* Baron. and *Hugh Fitz-Otto* Steward of the Household were the only Commissioners sent by the King to a Provincial Council then at *London*, *Pat. 8. E. 1. m. 10.* And again in 6. *Ed. III.* the King sent *John Peche* a Lay-Baron, and *John de Poultenay* Mayor of *London*, to the Synod held at *S. Paul's*, on the Friday after *S. Bartholomew*, 1332. *Claus. 6. E. 3. m. 15.* And many more Examples, where the King's Proctors in Ecclesiastical Councils were all *Lay-Men*. So far from being ever Men in Holy Orders. Ay, but says Mr. *A.* His great Lay-Lords and Ministers indeed carried frequently

quently his Commands thither : but None staid there to act for Him, but Clergy-Men only. A very poor and false Evasion. The Lay-Lords did act for him, as much or more than the Clergy-Men ; They delivered the Letters, the Messages, and other Instructions ; they entred the Protestations, and left the Appeals ; They did All that was proper Acting for the King. Indeed if the King put a Clergy-man into the joynt Commission, who upon account of his other Character, was a Member of the Synod. This Person might stay, and Vote or Debate, when the Lay-Men having no Voice in Spiritual Causes, might be oblig'd to withdraw. But then the Clergy-man, who staid behind a Member of the Synod, acted indeed for Himself, not for the King : Or if he staid to be the King's Informer, He could be only his own Judge. Nothing More, and scarce so Much, is meant in his Story of William de Rale, from Mat. Paris. P. 447.

Though (says he) sometimes the King Himself has vouchsafed to appear, and sit in a Convocation, when it was called for some extraordinary Cause. As in Arundel's Register. Henry IV. is once remembered to have done. What does he mean ? that ever Any English King came in Person, and sat in Convocation as a presiding Head, or Voting Member of that Ecclesiastical Assembly ? No such thing ! In Reg. Arundel. Pars. I. Fol. LXXII. b. This Story of Hen. IV. is not, that the King came purposely to Preside, or to Vote in that Convocation : But only, that coming solemnly to Paul's Church on a Sunday Morning, he pass'd into the Chapter or Convocation House, to see the Archbishop

Our Kings never sat as Judges, or Members in our Convocation.

and his Brethren, the AB. took that opportunity to acquaint the King with what they had done in the *Cause of Union* ; and He gave his Approbation, with a *quantum in se erat*, (by which Salvo he precluded his Right in Ecclesiastical Courts and Causes;) and commanded it to be published at *Paul's Cross*, as Ratified and Corroborated by Him. This is more Truth, and does better save the Rights of the Church, which this warm Contender for them is very apt to betray.

The *Gravamina Cleri* were not in Synod, but in Parliament.

Mr. *Aterbury* proceeds to misinform the Reader. *In these Assemblies, the Gravamina Cleri, or Articuli Reformationis were constantly expected from the Lower-House.* These *Grievances* or *Articles* of the Clergy were not at first made *in these Assemblies*, or Ecclesiastical Synods: But in the Parliamentary Convocations, or Meetings of the Clergy, conven'd for the civil Purposes of giving Money. In them the Clergy (yet the Bishops and Prelates, not the Lower-Clergy) drew up their *Articles* of Grievance, and their *Petitions* for Redress to be presented to the King, as a common Parliamentary Method, for the mutual good Offices between *Prince* and *People*. Indeed when by late Degrees, the pure *Ecclesiastical Synods* were made up of much the same Persons with the *Parliamentary Convocations*, and were cast into a like Model of an Upper and a Lower-House: Then at last, the Lower Clergy in *Synod*, like those in *Parliament*, might be drawing up their *Spiritual*, as the Others did their *Civil* Grievances, and might present them to their *President* or Archbishop, as the other were presented to the King. But then this latter

latter was a very modern Practice, in respect of the former, and but a Copy of it. The *Articuli Cleri*, and the King's Answer to them in *Parliament*, are as Ancient as the Clergy's Call to give Money in Parliament, we find them at least 17. *Ed. 1.* 1289. But the like Complaints of the Lower Clergy in a true Council or Synod, are not to be heard of in all the Reigns of *Ed. 1.* II. and III. nor for some time after. For so long those Assemblies or Church Synods were not regularly form'd into *Two Houses*; So that it was impossible any Grievances or Articles should be constantly expected from the Lower House, when as yet there was no Lower House.

He deceives us more grossly, when he goes on to say, that *these Gravamina Cleri or Articuli Reformationis ran so high sometimes, as to propose Reformanda per Dominum Papam, per Archiepiscopum & Suffraganeos, per Convocationem, per Parliamentum. And Solicitors were appointed to prosecute such Reforms in Parliament.* It is impossible they should run so high, when they never run with any such Title, nor propos'd any such Methods of Reformation. The Complaints or Petitions were submissively offered by the Inferior Clergy to the President or Upper House, without any dictating or prescribing the means of Redress. It was the Archbishop and his Brethren, who receiving their Complaints, were to consider of proper Answers to them: And accordingly, let their Answers be very often a Referring them to the proper Judge of each Cause. Those Matters that were of a High Nature, and not to be Reform'd, without

Mistaken
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*Gravamina
Cleri.*

out the Papal Authority; to those *Articles*, they Answer'd *Reformanda per Dominum Papam*. In other Matters, that were under the special Cognizance of the Archbishop and Bishops, they assum'd 'em to their own power of Reforming; and subscrib'd, *Reformanda per Archiepiscopum & Suffraganeos*. And again, in such Complaints as contain'd Matter of Civil or Temporal Right, they declin'd any other Answer, than remitting them to the Legislative Body, *Reformanda per Parliamentum*. What an intolerable way of shifting in Mr. A. to represent *that* to be the *constant* Practice of Holy Synods, which was but very *lately* introduc'd in imitation of the long *preceding* Practice of Parliamentary Convocations. And then to confound the Lower Clergy's *Petitions*, with their Governor's *Answers*: And to make the Supplicants *prescribe* the Remedy, which they only *begg'd* in general. If a Writer should now represent our Bills in Parliament, as superscrib'd in the first Form of them; some with *Le Roy le veult*, others with *le Roy se aviserá*, it would be an Ignorance, or a Jest, unpardonably dull.

No Grievance in the want of Convocations.

I hasten to the next Paragraph, because it is the only true One in his whole Chapter. *But among all their Grievances, I have never observ'd the want of Convocations mention'd as one of them.* p. 21. Why no! there was then (and no doubt but there still generally is) so much Duty and Good Manners in the Lower Clergy, that they believ'd the Rights and Liberties of themselves and Holy Church to be safe in the Honour and Conscience of their Spiritual Governors, the Archbishop and Bishops. The Archbishop was the

the Judge, and the Bishops were his Council, when expedient to *Call*, or *not to Call* a Synod. If these Ecclesiastical Assemblies in times of Peace and Settlement, were long intermitted; the Inferior Clergy yielded to the discretion of their Superiors, and accepted it as a Benefit and Ease to be excus'd from unnecessary Attendance. Or if they thought it a Neglect or Omission in their Metropolitan, and a Coldness and Indifference in their Diocesans, not to Advise and Urge Him to it; Yet still the Parochial Priests did not fly in the Face of *Dignities*, but did the Duty of their Cures, and Studied to be *Quiet*.

The Clergy indeed complain sometimes of their being call'd together too often, and kept sitting too long, and beg a Dismission, and the Archbishop excuses himself frequently on that Head in his very Letters of Summons. p. 22. Mr. A. pretends in this Chapter to keep to the Subject of Ecclesiastical Synods simply in themselves, and not as attendant on a Parliament; yet thro' the whole Discourse, he has continually chang'd the Scene, and the Subject; and has altogether confounded the Two distinct Constitutions of a Church Synod, and a Parliamentary Convocation. So he does here: For I do not find the Lower Clergy ever complain'd of their being call'd together too often, to sit in a proper Council, or Ecclesiastical Synod. Alas! for Seven or Eight Reigns from the Conquest, the Lower Clergy were not made an Authoritative Part of those Synods: Nor was their Attendance necessarily requir'd there. Yet they put up no Remonstrance against their not being summon'd to them,

A greater Grievance in the frequency of them.

M. A's
Project
would be
a greater
Grievance.

them, or not *acting* in them. It was indeed to the Parliamentary Convocations from *Ed. 1.* that they thought themselves *call'd too often*, and kept *sitting too long* : Because it was really a Hardship of Expence and Confinement to them. And it was in respect of the same Parliamentary Meetings, that the Archbishop *excus'd himself frequently in his Letters of Summons*, and alledg'd a *Necessity* for it, from the commands of the *King*, and the Expences of the *Publick*. But now, when the Archbishop in his own Right (then independent on the Crown) summon'd his Ecclesiastical Synods for the pure Affairs of the Church; he very rarely excus'd himself for the frequency of such Assemblies, rather on the contrary made some Excuse, that they were not so frequent, as they ought to be. In good Truth, if it were possible that our Governors should admit of Mr. *Atterbury's* New Projected Scheme of Politicks, that a Convocation should be necessarily Assembled, as an Essential part of every Parliament, and be then not only a Parliamentary Body, but a pure Ecclesiastical Synod, and in both Capacities must be allow'd their Right to a continued Attendance, and be bound to pay the Lords and Commons *their Right of being so attended by them* : Then I am sure, whatever Notions of Liberty some Men may Entertain, the Old Grievance would return with greater Weight. For the Clergy would have the *same burden* of Attendance, without the *same power* of procuring Redress and Reformation with their own Benevolence. In Annual and Protracted Sessions of Parliament, they would think a little of their *Cures*, and their *Families*, and
would

would be apt to complain of their being call'd together too often, and kept sitting too long, and would beg a Dismission. I doubt in some Republicks of the World, People flatter themselves with Liberties, that do but make them the greater Slaves. Even Children might be sensible, that Fetters would confine them, tho' they were made of Gold.

Mr. Atterbury does well to confess again, *But I have seen no Intimation any where, that they wanted an opportunity of Meeting, which is a certain Sign that they never wanted One. Never I believe from Anselm's Days (who by the favour of H. I. reviv'd those Meetings that had been suppress'd by Will. II.) down to the very Times that we live in.* Why alas, for an Age or two at least, the lower Clergy had no opportunity of meeting in National or Provincial Synods; in that Sense they wanted an opportunity, but did not complain of any want, because they knew that their Interest in such Synods, was not an Original Right, but grew up by degrees into an occasional Custom. They were at first admitted into Ecclesiastical Synods, and into Parliamentary Convocations too, for the Political Reasons of giving their Mony; not for the Spiritual Right of making Laws for the Church. However, when by degrees admitted into Both, they left the frequency of Parliaments to the Wisdom of the King; and the frequency of Synods to the like Discretion of the Archbishop; and so paying their Obedience Canonical and Civil, they were in their private Stations pious and peaceable Men. As to what Mr. A. observes of *Anselm's Days*; I do not com-

Mr. A's
Confessions
are
against his
Cause.

commend or approve of *William II. suppressing those Meetings*. But this I must again inter, that *Anselm* did govern himself by a Principle, that Ecclesiastical Synods were neither of such Divine or Canonical Right; that he was oblig'd to convene them often, as a necessary Exercise of Church-Power, or as an essential part of Church-Discipline. For then he had been false in waiting the King's Pleasure, and not exerting his own sufficient Authority. In other *supposed Rights of the Church*, he shew'd himself no Coward; and would no doubt have been as bold in this Matter, if he had judg'd it a *Matter of Conscience*, to have frequent Synods. He thought it enough to *intermit* them, as prudential Necessity requir'd; and to *restore* them, as a better Juncture serv'd. This *Anselm* was bred to Rigors and severe Formalities; yet, To comply with the Difficulties of Times and Seasons, for the Peace of the Church, and Protection of the Clergy, was in *Him* a Rule of Christian Moderation.

Conclu-
sion of
Mr. A's
first Letter.

And thus Mr. *Atterbury* has done with the Foundation of his Work, an *Account of Ecclesiastical Synods*; and sums up his Performance in this Commendation of it. No more than this needs be said, to furnish the Reader with an *Account of Provincial Synods and their Rights, as allow'd and practis'd in this Realm*. Such an Account, I mean, as is necessary to set the General Part of this Dispute in a true Light, &c. Natural it is for us Authors to have a good Opinion of our own way of Writing! And while we keep to our own Thoughts and Words, it is pretty easie to make them pass off agreeable to many others, as well

well as pleasing to *our selves*. But when we come to Matter of Fact, and a Narrative of the State of Things; *there* the World will find us out, if we trust to Fancy and our own Invention. Falshoods in Philosophy and Speculative Points, may have impos'd upon successive Ages: But a forged History never stood the Test of *any one* Generation: People may for a while read, and take for granted; but when they come to examine and compare, they despise the *Story*, and suspect the *Teller* of it. For in a studied Relation all mistaken, Men are jealous there is somewhat worse in it than bare Mistake. Let Mr. *Atterbury* boast as he will, of a *Necessary Account*, setting the *Dispute* in a *true Light*; yet I must tell him, that when Men of Letters drop his Book, and look nearer into the History of the Church; they will find his Account of *Christian* and *English Synods*, to be the most Inaccurate, Confused, and Mistaken Account, that was ever yet given; and would lead All, that believe it, into Maze and Darkeness.

1. He asserts, the *Authoritative Part* of *Provincial Synods*, was always compos'd of *Bishops and Presbyters*, when it was not so in the *Primitive Church*, nor for a long time in our *Own*.

The several Errors of his 1. Chapter briefly recounted.

2. He pretends the *Lateran Canon* for reviving the use of *Provincial Synods* was *in force here*; and that other Canons for calling Synods yearly, were made a *Part of the Usages and Constitutions of this Kingdom*: All utterly false in Law and Fact.

3. He

3. He cites *John de Athon* for this Opinion, which he never Asserted ; and thence runs confidently into a second Error, about the Age of that Author.

4. He Reviles *Lyndwood* for truly stating the Right and Practice of our Church in *his* time ; as to Synods complete with Bishops and Prelates only ; and tells Stories of him absolutely false.

5. He says, *In the course of our Provincial Synods, the inferior Clergy's consent was expected* ; when yet for several Ages, the Inferior Clergy never came to those Synods ; and when they first came, their Consent was not expected to the *Canons*, but to the *Taxes* only.

6. He imposes, That when the Rural Clergy had no distinct Proctors of their own, they were represented by their Archdeacons ; whereas the Archdeacons themselves were not a necessary Part of Church Synods ; and their first bringing Procuratorial Letters from the Clergy, was not to include their consent to *Canons* and *Constitutions*, but only to *Benevolence* and *Taxes*.

7. He absolutely mistakes the Council of *Reading*, and the Constitutions in it, and fancies the Lower Clergy were then oblig'd to send Proctors to a Synod for Ecclesiastical Advice ; when they were to send them only to a Parliament, for a Political consent to *Taxes*.

8. He

8. He imagines, That Convocations were frequently held *by virtue of the Præmunientes Clause*, when there was no such thing. Proper Church Synods were held *out* of Parliament-time, by pure Authority of the Metropolitan. And even the Parliamentary Meetings of the Clergy were not Provincial Convocations, without a distinct Writ from the King, as well as from the Archbishop.

9. He entirely mistakes the Meaning of *Stat. 8. Hen. 6.* that gives the Parliamentary Protection to Members of Convocation.

10. He is perfectly out in the Writs of Royal Prohibition, and makes them *sent to Parliamentary Convocations*, when they were sent only to Ecclesiastical Synods.

11. He represents it *as easy for the King to forbid a Synod's Meeting and Sitting, as their acting in such and such Instances.* Whereas the Kings of *England* did in those times acknowledge it an Inherent Right in the Church, to have Provincial Synods conven'd by the Archbishop, and would rarely forbid their *Meeting*, but only their *Acting* beyond the bounds of Spiritual Authority.

12. He offers at several Instances of *Royal Prohibition*, and mistakes in every one.

13. He Reports the King's Proctors or Commissioners *to have been ever Men in Holy Orders*, when they were commonly Lay-Courtiers, and
N rarely

rarely above *One* of the King's Clerks in *joint* Commission with them.

14. He makes *K. Hen. IV.* to sit in Convocation, like a Head or Member of it; when he only entred the House upon Occasion, and heard a short Report of their Agreements, and approv'd of them.

15. He speaks of the *Gravamina Cleri*, or *Articuli Reformationis*, as constantly expected from the *Lower-House* in Ecclesiastical Synods; when it was at first the Custom only of Parliamentary Convocations, and was the common Method of exchanging Contributions and Redress of Grievances, between King and Subject.

16. He makes these *Articles* to run so high, as to propose *Reformanda per Dominum Papam; per Archiepiscopum & Suffraganeos*, &c. When these were not the *Titles*, which the Lower Clergy affix'd to their Motions or Petitions; but were indeed the *Answers*, which the Archbishop and Upper-House return'd to them, prescribing the regular Way and Means of Reformation.

In *These*, and more Particulars, not only his Authorities and Citations are wrested and misapplied; but his Positions and Principles are all precarious and wrong. Nor barely wrong, but highly *Injurious* to the Fundamental Rights and Liberties of the Christian Church, and this Member of it the *Church of England*. I must needs say, if Mr. Atterbury had laid the truest

Foun-

Foundation, and had built the most Firm and Regular Structure on it; yet the Reproaches and Revilings, which he throws so vehemently upon Other Men; and Most of them his living Superiors, would have *disgrac'd* a right Hypothesis. But when his very *Arguments* are as rash and insincere, as his *Personal Reflections*: It is a *double* Guilt, and a *Repeated Scandal*. Truth with a little Roughness may Argue an ill-govern'd Zeal; And false Relations smoothly told in fair and inoffensive Words, are a little the more excusable Deceit. But when the rudest Language fills up the falsest Story, Nothing remains to the Reader, but a due Temper of Pity and Indignation.

Nor can Mr. A. be content with *setting the general Part of this Dispute in a true Light*, as he calls it. But before the end of the Chapter, he must beg leave to *add a Reflection or two that arise from what has been already delivered.* ib. p.22.

1. He would have it Plain, That the Power lodged in the Metropolitan of Calling together such Members of his Province, is likewise accompanied with a Right in those of his Province to be so called. This is only to bring in our Metropolitans breaking thro' their Duty, and all their Comprovincial Bishops conniving at it; and hereupon, to raise up the Inferior Clergy to Complaints, and to Demands of Right. But yet in former Times, when our Archbishops had an independent Power to Convene Synods, and to Authorize their Debating and Decreeing, as well as their Meeting and Sitting: They Assembled them, or discontinued them at their own

His Reflections on his first Chap. are very disingenuous.

Discretion ; sometimes with frequency , and sometimes with long Intermissions. Sometimes indeed they advised with their Suffragan Bishops, but not with any Others ; nor yet *Always*, nor *Necessarily* with *them*

The Suffragan Bishops and their Clergy were formerly concluded by the Wisdom of the Metropolitan.

But not a Question among the Lower Clergy, Why they did so. Nor have I ever met with one single Instance , when the *Bishops* shew'd their *Right by the Canon Law to demand such a Meeting for the Good of the Church*, as Mr. A. would now recommend to them. They were sensible, that Canonical Obedience to the Archbishop, and his Metropolitan Church, was a Duty of Conscience and Decency. The Suffragans to preserve their own *Diocesan Rights*, have sometimes complain'd of the Archbishop's Courts, and Visitations, and of other seeming Encroachments on their Episcopal Power to be Exercis'd within their own Sees. But I never once Read, that the Bishops complain'd of this Matter, how the Archbishop did not often enough bring them together to *Provincial Synods*. No! As to *that*, they left him to his own Wisdom, and his own Measures. They knew they could maintain the Doctrine and Discipline already Established by Assembling their own Diocesan Synods, and Making or Enforcing any Rules and Constitutions agreeable to the Customs and Canons of the *Christian* and their *National Church*. For before the Reformation, every Bishop had as full Authority for a Synod in his *Diocese*, as the Archbishop had for a Synod in his *Province*. And the *Diocesan Constitutions*, if not contrary to any more Authentick Declarations, or General Canons of the Church, were as Obligatory with

within the *smaller*, as the *Provincial* were within the *larger* District. A Part of our Old Constitution, That Mr. *A.* speaks nothing of, tho' so immediately pertinent to his Subject, and the very Root and Foundation of all other Ecclesiastical Synods. But he goes on to foment, if possible, a Misunderstanding between the Archbishops, and Bishops of *England*. He says, *The Metropolitan's Authority to Assemble a Synod, is not so much a Power, as a Trust that is lodged in Him, and for which therefore, by the Ancient Canons of the Church, and by the Imperial Law he was made Accountable.* But such Threats and Menaces are now very Needless; because indeed those *Canons*, and that *Law* are not our present Rule; and if they were so, we do not find one Penalty impos'd on the Metropolitan for Neglect or Intermision of Provincial Councils, not in all the *Ancient Canons* and *Imperial Law*. But Mr. *A.* would so have it for our *Synods*, and so Originally for our *Parliaments*: He Argues alway upon similitude and connexion, between these Two Bodies; as here again, 'Tis in this Case, as in that of our great *Lay-Convocations*; the *Assembling* of which is not only part of the *Prince's Prerogative*, but of the *Subjects Right*, and *Matter of Duty* as well to those who *Call*, as those who are called to them, and would oblige therefore, tho' there were no positive *Law* that fixed the times of such *Meetings*. Yet till there was a *Law* that fix'd the time of *Calling* our *Parliaments*, I presume the *Prince* might *Call* them at his own time, and was oblig'd to no other particular *Stated Times* of *Three Years*, or *Ten*, or any definite Number. And if he took too long a space

To create
Distrusts
and Jealousies be-
tween
Aps. and
Bishops.

for intermitting of Parliaments, yet I do not see any positive *Law*, by which he was *accountable*. Indeed the whole design of a certain Book is to *Call* both the *King*, and the *Archbishop* to *Account*; but there may happen a *Dispute*, on which side the *Accounts* shall begin.

He incites
the Clergy
to *De-*
mands be-
yond their
Duty.

II. His next Reflection upon his own History of Synods is This. *Indeed either of those Assemblies in State or Church, may sometimes have been intermitted for Emergent Reasons, and such as the Members themselves that Compos'd them, might be presum'd willing to allow.* p 23. He is now conscious, there has been no such frequency of Synods, or of Parliaments, as he contends for. But He would resolve the Intermissions, not into the Prerogative of King or Archbishop, but into the Consent and Allowance of the inferior Priests and People. As to the State Assemblies or Parliaments, I presume there may have been some Intermissions, which the Members did *not allow*, nor did the Laws require so much as their *presumptive Allowance*. And I am sure, it was so in the Church Assemblies, or *Synods*: The Archbishops *intermitted* them, at their own judicious Pleasure; and there was no other *Allowance* from his Clergy-Subjects, but in course their dutiful Silence and Submission. But his meaning is to raise the Lower Clergy upon the Archbishop. For, says He, *The Provincial Inferiours may well DEMAND to be Assembled, as soon as those Reasons Impedient shall cease; and much more when stronger Reasons shall arise on the other side, &c.* This seems a Design of getting Hands to at least a Petition for a Convocation. No Body denies
the

the *Right of Petitioning*. And I hope No Body denies the Custom of a Convocation to be call'd with every Parliament. But that such a Parliamentary Convocation must be in its own immediate Nature an *Ecclesiastical Synod*, and as *such* must of Necessity Meet and Sit on, and do Church-Business, at their own Discretion, without the Archbishop's Advice, or the King's Leave. If this be no Matter of *Right*, nor indeed of *Interest*, it ought to be no Subject of *Petition*. Warm Men may move apace, but Wiser Heads have alway their Second Thoughts. The *English* Clergy will yet trust God, and the King, and their Ecclesiastical Superiors.

III. Another Reflexion is, *That among many other Reasons, which may occasionally move Inferiors to CLAIM the Restoration of these Meetings, this may be One, That their Right begins to be question'd by the Discontinuance.* ib. p. 23. I think Inferiors need not put in their *Claim*, unless they can make out their *Title*. Alas! their Right does not *begin to be questioned*. It was alway under *Question*, whither the Lower Clergy had any Right to demand a frequency of Provincial Synods. Or rather *no Question*, but such Synods did entirely depend on the Judgment of the Archbishop, who might be guided herein by the Advice of his Suffragans, without the Solicitations of the Parochial Clergy. But these Ecclesiastical Synods are not to be now *Claim'd* from the Archbishop, because *he* cannot grant them, they must proceed from express Authority of the King, by the Acts of our Parliaments, and by the Canons of our Church. If by *these Meetings*, He does mean the Provin-

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cial Convocations as concurrent with every Parliament. It is a great Question, whether such Convocations are in themselves, and by their own Nature, true Church Synods. It is rather unquestionable, that this sort of Convocations for some Hundred Years, meddled only with their own Money, and their own Civil Grievances, and did not at all concern themselves in Articles or Canons. And tho' since the Reformation, these *Parliamentary Convocations* have had Royal License to act as *Ecclesiastical Synods*; yet whether they can so act in Matters of Religion by their own Absolute and Inherent Right, without Commission from the Ecclesiastical Supremacy, is again a *Question*, that may hereafter be decided, contrary to the Judgment of Mr. A. But he cannot go off from this ill Argument, without a worse Reflection on the Archbishop. *INFERIORS* should Claim the *RESTORATION* of these *MEETINGS*, especially if the *SUPERIOR* shall take care to *ASSERT* his *OWN RIGHT*, at the same time that he *SETS ASIDE* *THEIRS*; and Commanding them to come, shall yet not suffer them to Assemble in forms, &c. As to Ecclesiastical Extra-Parliamentary Synods, the Archbishop Asserts no Right of commanding them to be Assembled at his own Time. That Right was intirely dropt by the Submission of the Clergy: And Mr. Atterbury would never have that Right Restor'd: For he would never have that *Act Repeal'd* or *Qualify'd*. So kind is he to the Church, and the old Liberties of it. If he means, (what in this Chapter he should not mean) *Parliament Convocations*, in Calling these too, the Archbishop do's not *Assert* his own Right,

He tells us the ABp. asserts his own Right and sets aside the Right of the Inferior Clergy.

Right, He only executes the King's Command, as contain'd in his Royal Letters, or Provincial Writ. So as the foregoing Reflexion is not Sense, because it is not Truth. We know indeed his Meaning, that the Archbishop would Assert his own Rights, and let fall those of the other Clergy. But his Meaning is less proper, than his Expressions. That Great Prelate has yet serv'd no Interests but his Own. His whole Life has been Zeal for the Publick Good, even in Private Capacities, and in Lower Stations. And therefore *Now* in the highest Seat, when there is nothing more could tempt *Another* Man's Ambition; and when His Grace is under no Desires of his *Own* to raise a Family: We may upon the surest Reasons believe, He can propose Nothing but the Peace of the Church, and of his own Conscience. They are Uncharitable and Unjust to the highest Degree, who suggest any other Thing.

IV. Another Reflexion that arises from what He has before delivered is This. *Now as it is manifest, that this Right of Assembling is Attested by the Usage of our Church, and Founded upon the Canon Law; so may it be remembred, that it is no Papal Grant, but derived from very Ancient Christian Practice, &c. p. 24.* What if a Right of Assembling were so Attested, yet there is no Attestation of the Persons, or the Time, or the Manner of Debating. These Circumstances are to be determin'd by the Constitution of every National Church. And by the History of our own Church, we clearly find, that the Inferior Clergy had no Right of so
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Assembling. The Right of appointing those Assemblies more rarely, or more frequently, *was* in the Archbishop, as it *is* now in the King. And where-ever the Law plac'd the Right, it so long rested there, without the interposing *Claim* or *Demand* of the Inferi-ors. He says, *This Right is no Papal Grant, but deriv'd from very Ancient Christian Practice.* Why, yes, I am so tender of the Rights of National Churches, that I believe, they had an Original Power to preserve and to govern themselves and their own Members; and therefore to hold fast the Faith, and to maintain a Necessary Discipline, the Governors had a Right to *Meet*, and to *Consult*, and to *Determine*, of the Things that made for their own Peace and Safety. And All this by the Nature of a *Church*, not by the *Concessions* of the Pope or any Foreign Power. And therefore I am the more offended with Mr. *A.* that He often derives our Right to frequent Synods from a Canon of the *Lateran* Council, which was in Effect but a Precept of Pope *Innocent III.* when yet that Canon never here obtain'd; and if it had; it could be only Declaratory of the Antecedent Right of our Metropolitans. But yet when Mr. *A.* denies the *Assembling* of Synods in *England*, to have been a *Papal Grant*; He should have observ'd, that this Inherent Power of the Metropolitan was not alway fully Exercis'd; but it was sometimes so restrain'd by a regard to Publick Peace, that the boldest Primate dar'd not exert this Power, without *Countenance* of the Civil Magistrate, as in the Case of *Anselm*, and *Will. Rufus*. And at other Times, this same Power of the Metropolitan

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was so over-aw'd, and bore down by the Pope, that if Archbishop *William* had not strengthened his Metropolitcal Authority, by accepting a Legatine Deputation from Pope *Honorius*, about 1125. He could scarce have recov'ed his Antecedent Right of holding Provincial Councils. He now summon'd them by Papal Commission, and when that Commission was taken from Him in 1130. He receded from his Old Right, and having call'd a Synod, or two as *Legat*, He call'd no more as *Archbishop*. After this, the Tyranny of *Rome* was so great, that if his Successors had not obtain'd the Standing Title of *Legatus Natus*, I doubt the Power of convening Synods had been entirely swallowed up by Devolution upon the Pope, and his extraordinary *Legats*. But because Mr. *A.* do's charge the *Disuse and Suppression of Synods upon the Arbitrary Proceedings of the Papacy*. I must tell Him, that as to our own Country, Many Bills and Letters of Complaint and Protestation stand now upon Record, against the Usurpations of the Pope of *Rome*, before our Happy *Reformation*; but not a Syllable in them, that *He suppress* our *English* Synods, or attempted to bring in a *Disuse* of them. Just contrary, One of the Burdens he laid upon our Forefathers, was to hasten and reiterate the Call of Synods, to help maintain his Legats and Messengers, and to fill his own Coffers. *Multitude of Synods* was one while the Yoke of the Clergy, and the Drain of the Nation. And I leave it to the Men of Wisdom to consider, whether the Necessity of a Church-Synod Sitting and Acting with the whole concurrent Sessions of every Parliament, (however speciously it looks) would not

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not Endanger the Church, and Oppress the Clergy. Perhaps some might be struggling with the *King*, for a power of drawing up Canons without his License. Some might be contending with the *Commons* for the *old Right* of giving their own Money, and Claim it as a Right, that may have been silently dropt, but was never Statutably Revok'd. Some perhaps might be Arguing with the *Judges*, that their Canons and Constitutions when confirm'd by the King, are the *Law of the Kingdom*, as well as an *Act of Parliament*, and as much a *Law of the Kingdom*. Others again might be Disputing with the *President*, or *Archbishop*, and charge him with *Afferting his own Right*, and *setting aside Theirs*. And perhaps some warmer Spirits might be falling upon those they call their Adversaries, and Sacrifice the publick Interest to every little private Animosity. Or if so Calm and Quiet, that they could find nothing at all to do, then they would have reason to complain of being so strictly and continually oblig'd to an Unnecessary and Expensive Attendance. Perhaps under our present Circumstances, it may be altogether Advisable for the Clergy to accept the Customary Summons, but not to be over-fond of framing themselves into a Body, without the Conduct of their Chief Head the Archbishop; nor fall upon the Draught of Canons without Commission from the King to Authorize them, or at least to Exempt them from the Penalties of dubious Acts. If a Lower House of Convocation should take such hasty Steps; It may *within Doors* Expose them to a *Misunderstanding* with their President, or to a *Competition* with the Upper-House of Bishops,
or

or to some fatal *Fends* and *Animosities* with One Another: And *without Doors*, it may expose them to the Anger of a *Prince*, to the Censures of a *Parliament*, and to the Disaffection of the *People*. Possibly till the Church is in greater Danger for the want of Synods, it is scarce worth the advancing New Notions for a *perpetual Attendance* of them; especially while Occasional Synods have never been deny'd them. Till the Necessity of Self-preservation is in nearer View, there is little need of quarrelling for a *Power*, which, if it grows Exorbitant, may hurt Us, and even destroy Us.

V. The last Reflections of Mr. *Atterbury* are to applaud the free Estate of *Foreign Churches*, and to recommend the Liberty allow'd to All our *Dissenters*: And so from hence, to deplore the present condition of our *Church*, as under a more grievous Bondage, than any of the *Reformed Churches* abroad, or even any of the *separate Congregations* here at home. A Complaint that Sounds very deep and doleful; and would pierce every honest Heart, if there were as much *Truth*, as there is *Passion* in it. I always thought the *Church of England* Reform'd to more Glory and Perfection, than the Necessity of Things and Times could allow in any other *Parts of Europe*. I thought, that all other *Protestant Churches* were a little behind us, especially in Government and Order. And as to our *Dissenting Brethren*, I thought their several Schemes of Discipline were new, and at least not so worthy of our Imitation. I always hop'd They would at last conform to Us, not We to Them. Especially the *Quakers*, I gave them

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over for a singular set of People, that were to be the last considered in our submitting to *Examples*. But it seems, Mr. *Atterbury* has found cause to admire, and to propose to our Emulation, all other *Protestant Churches*; all manner of *Dissenting Parties*, and more expressly the *Quakers*: As if they *All* kept up *Convocations*, which *We alone* suffer to be dropt and lost. He cries out, *So far are the Clergy of England from being Unreasonable or Singular in their Desire of such Meetings, that there is no part of the Reformed Church beside, that does not duly hold them. They are constantly kept up in the United Provinces; and even in France they were never denied the Protestants*, p. 24. *What we plead for has been allow'd the present Scotch Kirk; nay, and something more than we plead for*, p. 25. *Nor have those of the Presbyterian and Congregational way been less indulg'd here at home.*—*Nay the Priviledge we claim is not deny'd to any the most wild and extravagant Sect among us. Even Quakers themselves have their Annual Meetings for Ecclesiastical Affairs, and are known to have them, and allow'd to hold them*, p. 26. What now can be the Sense of all this *Outcry*? but that the *Church of England* is under Bonds and Persecutions; and not suffered to enjoy the Privilege common to *All Churches*, and even to *All Sects and Parties* of the worst Denomination. How can he have the Spirit to say, *That such Meetings as the Clergy of England desire, are duly held in every other part of the Reformed Church?* Are not *Convocations* more *duly held*, when they are made up of *Bishops* and their subordinate *Presbyters*, than where the *Presbyters* reign alone? At least are not such Meetings a little more *duly held*, where

where the *Clergy* represent the *Church*; than where the *Lay Elders* sit for *Ecclesiastical Judges*? I am as much a Friend to the *just Rights* of the *Inferior Clergy*, as Mr. *A.* can be: But I am sure, I would not have *Convocations* only of the *Lower Clergy*; at least I would not have the *People* thrust themselves in upon them. For my part, I am for no *Novel Plat-forms*: Give me neither the *Multitude*, nor the *Man of Sin*. Happy *Church of England*, if her *Sons* would know and believe *Her Happiness*, and their *Own Duty*! Then would there be no *Boast* of *Foreign Churches*, nor of *Domestick Separations*.

As to the *United Provinces*, where Mr. *A.* says, *these Meetings* are constantly kept up, I could tell Him, the *Dutch Clergy* are more than he imagines, depending on the *States*; and not One of the Order in that Country dares to speak of an *Ecclesiastical Synod*, without full *Permission* of the more *High and Mighty Powers*. When I have heard *People* admiring the better *Constitution* of *Governments* Abroad, I have wish'd them long *Inhabitants* in those remoter *Parts*, that they might Enjoy the *Experience* of their own *Judgment*, to be convinc'd of the *Folly* of despising their *Native Country*.

As to *France*, we have seen the *History* of their *Reform'd Synods*; and wish indeed they were Restor'd, not for our *Example*, but for the *Comfort* of those deplorable *Sufferers*. Yet when that *Protestant Church* was in the most flourishing *Condition*, I do not remember, they laid any other *Claim* to *Synods*, than from the
grant

grant of Edicts, Articles, or other Declarations of *Royal Consent*.

As to *Scotland*, we are beholding to Mr. *A.* for preferring the Liberties of that *Kirk*, before the Legal Constitution of our *English* Church. But he should have worded it more decently, and not said, *What we plead for is allow'd the present Scotch Kirk, and more than what we plead for.* Who allows it, but the Legislature of the Kingdom, over-rul'd perhaps by the Inclinations of the People? What *more is allow'd*, than the Act *anent* it does Ordain? They are not indeed content with their *Legal Allowance*: They may possibly be claiming and contending for *More* than their Allowed Right, as Mr. *A.* well knows; tho' he keep no Correspondence with them, nor gives them any hopes of Reforming *our* Church according to *their* Pattern, by abolishing Episcopacy, and setting up General *Assemblies*. But why need He say, that *what is allow'd to them, is what we plead for.* Princes and Parliaments are not to be directed by Us little Pleaders.

I cannot imagine, why Mr. *A.* should so warmly recommend the practice of Synods in *Scotland, France, and Holland*, when he knows, or ought to know, that a Meeting of Presbyters and Elders without a presiding Bishop, was not in the primitive Church so much as a *Reputed Synod*. Mr. *A.* indeed is a profest, tho' partial, Abettor of the Powers and Privileges of his *own* lower Order in the Church: But sure he would not degrade or exclude his Superiors; He would not bring All to a Parity and Level.

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He would not exchange a *Convocation* of Archbishop, Bishops, and subordinate Priests, for any kind of *Assembly of Divines*. Such Holy Discipline does not use to be commended by a Presbyter of the Ch. of *England*. I must have leave to observe, that this Writer has the Art of turning the *same* Reflexion to very *different Purposes*. In his Preface, He insults the *Scotch*, and the *French*, and the *Dutch Churches*, and says, that the *Church of England* to be Re-form'd by some One of that Model, is perhaps the secret Reason of the present Disuse of *Convocations*. p. XVI. wherein if His Majesty's Chaplain means no Harm, yet here at least He is expressly contrary, and would have the Model of those very Churches to be the Copy for our frequent *Convocations*. If every thing has *Two Handles*, yet a Plain Dealer would only take hold of *One* of them.

Farther, to make every *Tolerated Sect* among Us to have more favour from the Government, than the *Church Establish'd* by Law; He says, those of the *Presbyterial and Congregational way* have not been less indulg'd here at Home. I know of no *Indulgence* they have, or need to have, but that declar'd and limited by *Act of Parliament*; wherein as to Synods or Assemblies, I can find no such thing indulg'd to them. But if Mr. *Atterbury's* Report be true, that they too have their *Convocation* in as *Regular and Full*, tho' not in so open a manner as the *Members of the Ch. of England* desire to have: If They do hold such *Regular and Full Assemblies*, it is a little more agreeable to their Principles, than to *Ours*; For we pay somewhat more regard to the Sa-

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periority of Bishops, and to the *Supremacy* of Kings.

It is yet a higher *Indignity* put upon our Church, to make her less countenanc'd and considered than the very *Quakers*. Nay (says He) *The Privilege we Claim, is not deny'd to any the most wild and extravagant Sect among Us. Even Quakers themselves have their Annual Meetings for Ecclesiastical Affairs, and are known to have, and allow'd to hold them.* But why, forsooth, **ALLOW'D** to hold them? Does this *Allowance* arise from their Publick Act of *Tolerati-*on? Or do the Administrators of our Government *allow* more than our Laws *allow*? Is it any *New Allowance*, or the same perverse Custom, which they began, and continually practis'd in former Reigns, and long before a *Toleration* of them? What need is there of such a Tragical Outcry? Shall *Schism* and *Enthusiasm* (to say no worse) have the free liberty of their Consults, for the Propagation of their Interests? And shall an *Apostolick* and *Establish'd Church* want it? God forbid! Rather, God be prais'd, that an Establishment is yet *above* an *Indulgence*; and that our Church has many more Fundamental Rights and Privileges, than Any One *Separate Congregation*.

The too frequent use of Synods was once *Popery*.

Our Author has but one more *Reflexion* in this Chapter, and that is to observe; that the *Disuse of Synods* is right down *Popery*. I have before told Him, that the frequency of Synods was One of the *Popish* Plagues in *England*, to enslave the Clergy, and to exhaust the Nation. Such, I am sure, was *Popery* of Old in this our Native Country. But it seems Mr. A. speaks of Foreign and

and of Modern Popery. In *Popish Countries* indeed these Synods are discountenanc'd, and out of Use, &c. p. 27. But all the Rhetorick comes only to this matter of Fact. That in all the National Churches in Communion with *Rome*, they have no such Notion, as that frequent Provincial Synods are either the Churches *Right*, or the Churches *Interest*; or need to be call'd upon Any but great and extraordinary Occasions. And when they are so call'd, the Parochial Clergy are no *Authoritative Part* of them. The Bishops and Prelates are still the sole Judges and Legislators, as it once was in All Christian Churches. And therefore it is a narrow piece of Knowledge in Mr. *Atterbury*, to observe it as the particular *Portuguese Model of Church-Government*, to have the Attendance of the Lower Orders excus'd, and the Bishops to Act for them, and conclude them. Pref. p. xxi. This is no Mode of *Portugal*, where they are not yet given to *New Fashions*: but the Common Practice of the *Roman*, and indeed the *Primitive Christian*, and the *Ancient English Church*.

Here I must guard Myself against an Accusation, that Mr. *A.* will lay upon Me, that I am for turning out the Lower House of Convocation; and leaving the Archbishop and Bishops only in possession of their sole preceding Right. I beg leave to obviate any such hard Suggestion. I aver it to be a clear and undoubted Part of *English History*, that the Lower Clergy were not alway Sitting and Acting in our solemn Church Assemblies. Nor was it their Right of *Ecclesiastical Judicature*, but their Right of *Civil Property*, that first brought them into Na-

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tional *Parliaments*, than into Parliamentary Provincial *Convocations*, and by later degrees into proper Ecclesiastical *SYNODS*. Where Custom and continued Practice have so long confirm'd them; and where the Interests of the Church do so much require them, that I would by all means have *their concurrence* to be now a sacred and inviolable Right. Nay, I must needs wish more, than Mr. *A.* has dar'd to wish. My Wishes and earnest Desires would be, that the Parochial Clergy in *England* were more equally and fully represented in our *Convocations*: That their *Proctors* in the Lower House might be at least a *Ballance* to the other dignified Presbyters, and not be *exceeded* by them more than one half; One *Hundred* suppose to less than *Forty*. An Inequality that I doubt was fatal, when the Clergy (as within Memory) Tax'd themselves. For the Dignities deriving Title from the Court, or the Bishops, might be a little too hard for the Country Clergy, and lay Burdens on them, tho' All *their Proctors* should be on the *Negative* side. Possibly it will more become the Wisdom and the Conscience of Church-Men, to sollicite for some Amendments and Improvements in the Constitution of our *English Synods*, than to call fiercely for *such Alone*, as are not *Altogether* so Full, nor *Altogether* so Effectual.

I have now done with the first Chapter of Mr. *Atterbury's* Book: And if the whole Scheme be not false from *one* End of it to the *other*, supported with Citations entirely *perverse*, and advancing Designs *injurious* to Church and State: Then I am content to be thought, what I most abhor to be, a rash and uncharitable

ble Censurer. And I will then confess, that I do not understand Mr. *Atterbury*, nor the *Subject* he writes upon; tho' I have read the *One*, and studied the *Other*, more than a Little.

The only Disadvantage to the Reader, is, that I have been on the *refuting*, not on the *asserting* Part; and have rather detected some *Falsities*, than establisht any *Truths* upon this Matter. It were indeed a Justice to the present Age, to draw up a true Account of Ecclesiastical Synods, as first *Instituted* in the Christian Church, and variously *continued* down from the Conversion of this Island, to our own Times. But for my purpose, it will be sufficient to point at some general Heads of such an Historical Discourse.

First, As to *Synods* in General; I believe it may be proved, that the Christian Church was endow'd as a Society with a Divine Right of preserving the *Faith*, and securing the *Discipline*, that should be necessary to hinder the *Gates of Hell* from prevailing against her. In Order to this End, the Church-Governors had Authority to *Meet* and to *Consult* of all urgent Affairs; and when so Assembled, their Resolutions and Decrees were thought Declaratory of the Sense of Scripture, and of sound Traditions; and were so far binding to the Inferior Priests and People.

Nature of
Synods in
General.

But according to the external Policy of Things and Times, these *Synods* had a different Nature and Denomination.

Apostoli-
cal Synods

I. The earliest of these Christian Synods might be called *Apostolical*, and their ordinary Sessions were at *Jerusalem*, where the Bishop of that Church had a seeming *Presidency*, above the other Apostles. And perhaps, if that City had stood, the Succession of Governors in that Church should have gone in the Lineage of our Saviour. And then, had that been so, the *Bishops of Jerusalem*, with some Affinity to the High Priests, might possibly have had a fairer pretence to a *Primacy*, than those of *Rome*.

Diocesan
Synods.

II. The next Synods were *Diocesan*. For after the Destruction of *Jerusalem* at least, all Bishops were of equal Character, and had within their own respective Districts the separate Care of Church-Affairs. So that every *Diocese* was an absolute *Church* within it self, and had full Authority over its own Members. So as the Bishop and his Collegues, who were select Presbyters, held their peculiar *Synods*; and their Acts and Determinations (agreeable to the Analogy of Faith, and Form of Government in the Catholick Church) were as valid and obligatory within their own Communion, as if they had been actually confirm'd by all the other Bishops. I say, every *Diocese* was a complete *Church*: And the Acts of a *Diocesan Synod* were, within the Bounds of that Authority, full and sufficient Ecclesiastical Laws. As there was yet no such Liberty, so there was yet no such Occasion for Provincial, National, or General Synods.

III. *Provincial Synods.* It was soon needful for the common Concerns of Christianity, that the Neighbouring Bishops should not only intend their own Flocks, but should mutually correspond by Letters and by Meetings, for the General Interest of the *Catholic Church*. And when the several Bishops of equal Order did so meet; it was expedient for Peace and Method, to give the Chair to some One Particular Bishop, as the *President* in such a common Assembly. To avoid Emulation, it was least Invidious to chuse *that Bishop*, who govern'd the chief City in that Province; who had by degrees some larger Priviledges and Powers, more easy to obtain, and more suitable to Him, because his See was in the *Metropolis* of the Civil Government. Hence came the induced Rights of *Metropolitans*, and the Practise of *Provincial Synods*.

IV. *National Synods.* Upon the Ruins especially of the *Roman Empire*, many Countries form'd themselves into Absolute and Independent Governments. And every such Kingdom or separate Dominion had a Right to be a *National Church*, and to make Ecclesiastical Rules and Laws of equal extent with the Bounds of the Political Body. And therefore, tho' within this Body Politick, the single Bishops might have Synodical Meetings in each Diocese; And the several Metropolitans might convene Synods within their larger Jurisdictions: Yet for the more general Interest of the whole Nation, (of which the Civil Powers were the proper Judges) the Archbishops and their

distinct Suffragans might All joyn in a more Comprehensive Assembly, to be then call'd a *National Synod*.

General
Councils.

V. *General Councils*. After the *Roman Emperors* were converted to the Christian Faith, they thought it a proper Method of Unity, to call All the Bishops, within the whole Circuit of their Dominions to a *Universal Assembly*, for the more solemn Correspondence and Agreement in declaring and defending the common *Faith*. And these more Numerous and August Assemblies were to be called *General*, or sometimes *Oecumenical*, *Synods* or *Councils*. Upon the Decline or Dissolution of the *Western Empire*, the Popes of *Rome* usurped the pretension of calling such *General Councils*; But the supreme Magistrates in every Nation had a Right to allow, or to forbid their Subject Bishops obeying the Summons of a Foreign Power: For the very Being of *General Councils* was indeed founded upon a Civil Supremacy. It was a *Universal Emperor*, not a *Universal Bishop*, that first authoriz'd the Institution of them: And *His* proper Jurisdiction extended to all the Bishops so conven'd. And indeed the first *General Councils* were in effect but *National Synods*, confined to One Civil Government, of which there was but *One Head*, tho' so many *Members* of different Countries and People.

How far our own Constitution has had, or now has, a share in all these Rights, I would briefly Hint.

I. As

I. As to *Diocesan Synods*. From the time that Church-Government was here established, I believe our Bishops had the Right of calling their own *Clergy* to a *Synod*, and to enter upon *Debates*, and draw up *Rules* and *Orders*, that should be binding within that special Jurisdiction. This Power was apparently exercis'd for some Ages, to the times of Reformation under *Henry 8.* when the Submission of the Clergy made all Diocesan Meetings to be Executive *Visitations*, no longer Legislative *Synods*: Yet when the Clergy's Submission was repeal'd under Queen *Mary*, this Diocesan Power return'd, and in that Reign, *Bonner* and other Bishops, held *Synods* and fram'd *Constitutions* for their own respective Dioceses. But now that Submission is return'd upon us.

English
Diocesan
Synods.

II. As to *Provincial Synods*, the Division of Provinces in this Kingdom depended on the Model of the Civil Government, and therefore was not alway the same. There were more Provinces in the *British*, than in the *Saxon* Church. And in this latter, the Metropolitcal Sees were sometimes chang'd by the Civil Authority. Under the *Normans*, the Provinces of *Canterbury* and *York* were not allway distinct. By the Papal Prerogative intervening, the Province of *Canterbury* sometimes swallowed up that of *York*. And as to *Synods*, made the whole Nation in effect but one Province, subjected to the *Primate* of all *England*. But then again by the same Pretensions of Papal Power, the Arch-bishop of *York* recovered his Metropolitcal Rights, and had as much Authority

English
Provincial
Synods.

to convene Synods within the *one* Province, as the Arch-bishop of *Canterbury* had within the *other*. And they both exercised this spiritual Right, without recourse to the Civil Magistrate; *Assembling* their Comprovincial Bishops and Clergy at their own Time and Place, and *Ordaining* by their own Ecclesiastical Authority, even down to the Reformation. But then the *Submission* transferr'd all Power of convening Provincial Synods from the *Metropolitans* to the *King*; and likewise altered the legality of Canons and Constitutions, before valid in Conscience and in Christianity Courts by the pure *Synodical Authority*, but now to be ratified and authoriz'd by the *Regal Supremacy*. These true *Provincial Synods* were not the *Provincial Parliamentary Convocations*, for they bore no relation to the State Assembly: They were so far from being necessarily *attendant* on the Parliament, that to the Reforming Age they were generally held out of Parliament Time, because the Arch-bishop and Bishops had a better Opportunity to Meet and Consult in the Intervals of Parliament, when the State Affairs gave them no Avocation. And when the Pope's Usurpation was again acknowledg'd by Queen *Mary*, the *Legatine Council* for Ecclesiastical Constitutions was held with no dependance on the Parliament.

English
National
Synods.

III. As to *National Synods*. These general Conventions of the Archbishops and Bishops of the whole Kingdom did in the Saxon times depend on the Civil Powers, and were never call'd, but by Authority or express Consent of the Monarch: And this commonly at the great Na-

National Civil Councils, where Church and State being as it were incorporate into one another, their several Interests were thought to be undivided; so as the same Persons at the same Place and Time, might mutually consult and agree for the Safety of them Both. But as Attempts were made before the Norman Times, so soon after, those Attempts more effectually succeeded; and the Popes of *Rome* usurp'd the Power of convening them by their extraordinary *Legats*. The last of these Universal or National Synods, was *that* assembled by Cardinal *Wolsey*, 1523. And at the return of Popery, another by Cardinal *Pool* in 1555. But by the Submission and the subsequent Acts, this Power of uniting two Provincial or Particular into one National or General Synod, is annexed to the Imperial Crown, and has been solely exercis'd by the Kings and Queens of *England*: It was first practis'd by K. *Hen. VIII.* in 1540. and since upon other solemn Occasions of making and confirming the publick Rules of Faith, Discipline or Worship, in this National Reformed Church.

IV. As to *General Councils*. While they were conven'd by imperial Authority, the *British Bishops* were summon'd by Letters from the *Roman Emperour*, and in case of tedious Journies and long Attendance, they had their Charges defraied by *Him* that call'd them, as by *Constantius* in the Council of *Ariminum*, Anno CCCLIX. When the Popes of *Rome* by an encrease of temporal Power, did usurp a Pretension to the Spiritual Right of assembling *Universal Councils*; our *English Bishops* could not

General
Councils
in respect
to Eng-
land.
obey

obey their Summons, without consent of the *King*. And if they were sometimes more afraid of the Pope's Displeasure, than of offending their Natural Prince; and dar'd to go over to such indicted Synods, against a Royal Inhibition; they were then by our Constitution Outlaw'd as Fugitives and Rebels, till they had purchas'd their Peace, and their liberty of Return. The Representatives of the Church of *England* in the Council of *Basil*, were not only appointed as Proctors of our Convocation, but were commissioned as Embassadors from our King in 1432. And nearer to our Times of Reformation, when the Popes offered to call *Councils* by the Emperor's Authority, as well as by their own; *Hen. 8.* denied that our Nation was subjected to either Papal or Imperial Summons, and his Popish Bishops concurr'd in that Denial. And soon after there was a solemn Declaration subscribed in a Provincial Convocation, 1536. that the pretence of such Power was Usurpation in the Pope; that such a General Council must be called by the agreement of all Christian Princes; and in effect no *Subject* Prelates could repair to them, without leave of their respective *Sovereigns*. These were the good old Principles of *English* Liberty, even in Times of Popery; they were more fully declar'd and confirm'd by our Reformation; and are *Now*, I think, under no Dispute.

If Mr. *A.* shall object, that this is all Digression; the Reader will however excuse it, and think it proper to have some distinct Notions of the several sorts of *Christian Synods*, which can alone let him into the Subject of these

these Discourses; and make him able to judge of *All*, that shall follow on this Argument.

Examination of Mr. A's 11 Chapter.

Hitherto (says Mr. Atterbury) I have enquir'd only into the Rights of a Synod of the Province of Canterbury at large. I go on now to consider it as Attendant upon a Parliament of England, p. 28. He divides without distinguishing, and so still confounds together, what he pretends to put asunder. If from enquiring into a Synod purely Ecclesiastical, he turns now to consider it, as Attendant on a Parliament; then he makes this Parliamentary Attendance of the Clergy to be all along a Synodical Assembly. So indeed he means, and so he argues, but on a Supposition precarious and false. There were not only Ecclesiastical Meetings of the Clergy, both as National and as Provincial Synods, before there were any Parliamentary Meetings of the Clergy, either first Nationally, and soon after Provincially: But after the Clergy were thus drawn to Parliament, it was to serve in a Political, not in a Spiritual capacity. It was not to be at all Judges or Counsellors of the pure Ecclesiastical Affairs of the Church; but it was to be Assistants and Contributors to the Necessities of the State. They came now to Parliaments to agree upon Taxes; but they went still to Synods only, to agree upon Faith and Discipline. So that still an Ecclesiastical Synod was entirely different from a Parliamentary Convocation. And therefore it is a plain Violence to all our History, for Mr. A. to say, Thus the Matter at present stands, and

Mr. A. does not well distinguish between Parliamentary Convocations and Ecclesiastical Synods.

has

has stood for 400 Years and upwards, to speak at the least. Whither the *Matter so stands at present*, as that every Parliamentary Convocation is in it self of course an Ecclesiastical Synod, shall be hereafter considered. But that it has *stood so for 400 Years and upwards*, is not true. For more than half that time, not one Parliamentary Convocation ever sat or acted as a Synod of Church-Men, but as a Convention only of the spiritual *Commons of England*. Their Office and Character was *Ecclesiastical*, but their Business and Power in these State-Assemblies was purely *Civil*. For they were summon'd only to give their Aid and Assistance to the Necessities of the King and Kingdom, in which the external Peace and Prosperity of the Church were much concern'd: And to facilitate their voluntary Contributions, they were allow'd like other Subjects to present their temporal Grievances, and obtain a legal Redress of them. But during such Attendance upon *Parliament*, the Clergy were not a Body of Ecclesiastical Law-Makers: They neither here denounced any *Heretic*, nor inflicted any Church *Censure*, nor declar'd any *Articles*, nor debated of any *Canons* or *Constitutions*. These spiritual Matters of proper Ecclesiastical Cognisance were still reserv'd to the other Synodical or Conciliary Assemblies of the Clergy, made up of different Members, called by a different Authority, at different Time and Place, for the different purposes of preserving the Faith, and maintaining the good Government of the Church.

Thus indeed was the State of the Clergy in all our Northern Nations. They were considered

dered under a double capacity, *One* as common Subjects, and as such to be admitted into *State Assemblies*; the *Other* as peculiar Church Officers, and as such to associate in separate *Synods*. And having their different Meetings in these two different Relations, they exercis'd their different Powers according to those distinct Relations. As Members of the Body Politick in a General State Assembly, they treated of their civil Property and their temporal Interests; But as Governors of the Body Ecclesiastical, in a peculiar *Synod*, they agreed on the Essentials of *Faith*, the Decencies of *Worship*, and the Methods of *Discipline* and *Order*: Keeping within their due Bounds in each respective Station; As *State Counsellors*, they directed themselves to the State Affairs, in General Conventions of Laity and Clergy; And as *Church Governors*, they confin'd themselves to Matters of Religion in extraordinary *Synods* of the Clergy alone.

If Mr. *A.* would have understood this, He might have learnt it, even from his own Collections. For because the *Saxon* Government depended on the *German*, He is for looking into France, and enquiring how the Franks there govern'd themselves, those Fellow-Germans, and near Neighbours of our Ancestors. And contenting himself with what *de Marca* Reports, he observes, that in King Pepin's time, it was resolved that two National Ecclesiastical Synods (as he ignorantly or designedly calls them, instead of two National Councils or Assemblies) should be held every Year, the One in March in the King's Presence, and where-ever he should appoint; the Other

Mr. *A.* mistaken in the Councils of France.

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in October, at the Place where the Bishops in their former Meeting should agree upon. Of which this last was a pure Ecclesiastical Council, the Other was a Royal One, or if he please, a Civil one. p. 29. For the meaning was This, That Wise Prince with an equal Eye to Religion and to Politicks, would have one Annual Civil Council for the State, another Ecclesiastical Synod for the Church. The Bishops as greater Clergy were in them Both, but treated in the First as Fellow-Subjects, in the latter as Church-Governors. Their Advice and their Aids of Money were given in the former, but their Articles and Canons were Establish'd only in the latter. And if Charles the Great reduced these Two special Assemblies into One General Convocation of the Spirituality and Laity, appointed to meet on the first of May. p. 30. Yet this One General Convention was again divided into two particular Bodies of Men, for the different Subject of debating upon Affairs of a Temporal or a Spiritual Concern. If the Business was Secular or Mixt, the Clergy and Laity had a joynt Interest to be Co Assessors and Fellow-Judges. But if the Matters were purely Spiritual, the Clergy had the proper Cognizance of them; Nor would they Act in them as Members of the Civil Council, but they form'd themselves into a New Ecclesiastical Synod, for the Right and Custom of doing, what they had not power or Will to do, as a Parliamentary Convocation. And then too, by *Hincmar's* Relation here cited by Mr. A. the Enacting and Ordaining Power of Synods was in the *Seniores* or Bishops, their Meeting was *propter Concilium Ordinandum*; but the *Minores*, who, as Mr. A. renders it, were the *Inferior but Qualified Clergy*.

Clergy, they came, *Propter idem suscipiendum, & interdum pariter tractandum, & non ex potestate, sed ex proprio mentis intellectu vel sententia confirmandum.* That is, the Bishops alone did properly consult and determine, and decree or ordain: The Lower Clergy attended only to receive those Decrees, tho' sometimes admitted to treat together of common Matters, and to confirm the Acts of their Superiors, not by Judicial Power, or in their own proper Right; but according to their special Judgment or Opinion in those Matters. And yet after all, these Synodical Resolutions of the chief Clergy were not to be promulg'd as Laws to the People, till the Christian Magistrate had licens'd or authoriz'd the publick Reception of them. Or as Mr. *A.* words it, the *Resolutions taken in this great Assembly were presented to the Emperor: And what he in his Wisdom approv'd, was to be observ'd by all*, p. 31. Indeed this Form of Ecclesiastical and Civil Government made up exactly the Constitution of our *Saxon* Church and State. The Bishops and Great Prelates were originally in Civil Councils, and in separate Church Synods: But the Inferior Clergy were never regularly call'd, or judicially appear'd in One or Other. And if they haply came, it was to wait and to receive the Determinations of their Superiors, and so confirm them by their occasional Judgment, and their voluntary Consent. Tho' still, all the joint Power of the *Clergy* could not make their Decrees to be publick Precepts to the *People*, till the Supreme Magistrate had fully allow'd and authoriz'd them. This really was the Reason, why many of the *Saxon* Kings were invited to

The true
Constitu-
tion of our
Saxon
Church
and State.

fit in the Ecclesiastical Synods, not as Judges, but as Witnesses, for *their* Assent and Approbation. And *why*, in their Absence, the Canons of the Church in preceding *Synods*, were adopted into Laws of the State in succeeding *Parliaments*.

Synodical
Constitu-
tions never
valid with-
out Royal
Consent.

And to say the Truth, this was the good Reason, why *William Cong.* would not suffer any Synodical Constitutions to be valid within his Kingdom, or to be executed upon his Subjects, without his own Assent and Confirmation; even because it was the common Law of *England*, as well as the practise of *Normandy*. *Primates quoque Regni sui, Archiepiscopum dico Cantuariensem, si coacto generali Episcoporum Concilio praesideret, non sinebat quicquam statuere aut prohibere, nisi quae suae voluntati accommodata, & a se primo essent ordinata.* Eadmer. Hist. Nov. l. i. The Sense is, that *William I.* did allow *Lanfranc* as Archbishop of *Cant.* and Primate of *England*, to assemble Ecclesiastical Synods, and to preside in them, as his Predecessors had done by their Metropolitcal Rights. But then he would not suffer Him to execute any Ordinance, or to promulge any Sentence of Prohibition, but what was agreeable to his own Royal Will and Pleasure; and so the legality of which should proceed, not from the Synod's *Enacting*, but from the Princes *Confirming* of them. And indeed so far there was nothing of the Conqueror, nothing of Arbitrary Power, but continued Usage, and successive Practise of the Realm. Nay for all the excessive Usurpations of Papal Power, it was in effect so to the very times of our Reformation. No Canon of any Foreign Council

Council or any Domestick Synod was of legal Force or Obligation in this Kingdom, till it was confirm'd and ratified by the Supreme Civil Magistrate. And if the Courts Christian made the Clergy plead to them; yet the Kings Courts alway protected the *People* from them. A bare Canon of the Church never was a Law of the Realm in *Westminster-Hall*. And therefore the Statute of Submission was in this respect declaratory of an Antecedent Right in the Crown, or at least in the Legislative Power. The Clergy submitted, and the Statute (25 H. 8. c. 19.) ordain'd no more, than the Laws and Customs of *England* had before provided. Namely, That the Clergy of this Realm by their own Ecclesiastical Authority should not, as they never *de jure* could, *Enact, Promulge, or Execute any Canons, Constitutions or Ordinances, without Regal Assent and License*. If they had before presum'd to do it in their own Courts, it was owing to a Papal Usurpation, which the National Courts of Justice never did acknowledge. It becomes the Divine to learn this piece of Law; that the *English Church* was alway in subjection to our *Christian Kings*, and their Supremacy of *Original Custom*, was but *restor'd* by exprefs Statute.

Royal Supremacy
the Old
Law of
England.

But to return; Mr. *Atterbury* supposes, that the *mixt Meetings* of our *Saxon Kings* were held much after the same manner, p. 31. But to avoid Mistake, he should first acknowledge, that beside these *mixt Meetings* or Civil Assemblies, where the Higher Clergy as Political Members had a share in the Legislative Power, as to Secular Affairs and External Peace of all Orders

Mr. *A.* is mistaken in the *Saxon mixt Meetings*.

The Saxons had their Church-Synods as well as their mixt Meetings.

Mistaken in the Council of Cloveshoe.

and Degrees of Men: There were likewise distinct Church-Synods, where the Bishops sat as pure Ecclesiastical Judges, and made their own Rules and Orders for Matters meerly Spiritual. Or if it sometimes hapned, that in the time of this Civil Council, there was urgent Occasion to debate and resolve in pure Spiritual Affairs; then the Bishops leaving the *Civil Council*, fram'd themselves into an *Ecclesiastical Synod*, drawing after them the proper Affairs of Religion to that peculiar High Court of Christianity. Mr. *A.* knows this, tho' he will not apply it. For he himself has here marginally noted, that in the Council of Cloveshoe, An. 747. Tho' King Ethelbald, his Princes and Dukes were present, yet are the Canons said to be made by the Clergy alone, who went aside for that purpose. Spelm. Concil. Tom. 1. p. 245. He might have prov'd it from other Instances, but in this indeed he is clearly mistaken. For this was no Council of the King, his Dukes, and Princes with the Bishops; but it was a primary and pure Synod, to which the King indeed and his Nobles came in courtesie to give them Peace and Protection: But the Bishops only and greater Clergy made up the Synod, and the Archbishop was the sole President of it. As is enough evident from the Acts in *Spelman*, and more so from the Ancient and perhaps Original Copy of them, wrote in a sort of *Lombard-Character*, preserv'd in the Cotton Library, *Ocho*, A. 1. And Mr. *Atterbury* to be more Learned in this Matter, says that the same thing is observed in the Glossary (of *Spelman*) concerning the Laws of Athelstan, in voce *Parliamentum*. When yet *Spelman* in that place observes no such

such thing. He only observes, that the Ecclesiastical Laws of *Athelstan* were made by the Advice of his Bishops. But why need Mr. *A.* run to his Glossary, when he might have gone to the Fountain, from whence it is there deriv'd: The Laws of *Athelstan*. in *Spelm. Concil. Tom. 1. p. 396.* and to the Manuscript Copies of them in *Bibl. Cotton. Claudius, D. 2. and Nero, D. 1.* where it appears to me, that there was first a proper Church-Synod (before there was any State-Assembly) celebrated at *Greteley* by *Wulfbelm* Archbishop of *Cant.* presiding over his Suffragan Bishops, about the Year 928. And King *Athelstan* coming thither in Devotion with his Lay-Nobles, held a great Council or Parliament, and there pass'd those Canons of the Church into Laws of the Nation. But still the Ecclesiastical Synod preceded the Political Council, and the Constitutions of the *One* became ratified with Civil Sanctions in the *Other*. And this indeed was the more frequent Practice of those Times, to call a Parliament to attend a Synod, rather than to make a Synod any necessary Attendant on a Parliament.

Mistaken
in the
Laws of
Athelstan.

And yet Mr. *A.* to serve his own purpose of making every Parliamentary Convocation of the Clergy, to be at the same time an Ecclesiastical Synod, (than which nothing more fallacious) he would here persuade us, that among our *Saxon* Ancestors the State-Councils and the Church-Synods were call'd by the same Name, and therefore in effect were the same thing. *These mixt Meetings* (says he) *of our Saxon Kings, were call'd by the same Name, being stil'd*

He insults
Mr. Ni-
cholson,
when the
Ignorance
is his Own.

Synodi and Concilia, tho' secular Persons join'd, and secular Affairs were transacted in them, p. 31.

And in his Margin, he insults the Learned Mr. Nicholson, that with all his Saxon Knowledge he seems not to have considered this, but to have distinguish'd between a Synod and a Parliament. I believe that Mr. Nicholson has at least more Saxon Knowledge; and that in this Point however, he is much in the Right, and Mr. A. extremely wrong. The Saxons kept to the due distinction of their *Witten-Gemot* or Parliament, and their *Circ-Gemot*, *Haly-Mot*, or Synod: And tho' the Clergy were mixt in the Former, as common Subjects, and one State of the Realm; yet in the Latter, they were alone and by themselves, as the peculiar Officers and Administrators of Religion. For the Clergy were thought capable of consulting in *Political* Affairs, but the Laity were not thought equal Judges in pure *Spiritual* Matters.

He con-
founds the
Name and
Nature of
Civil Coun-
cils and
Church-
Synods.

Why therefore is Mr. A. so confident, that the mixt Meetings of King, Bishops, Counts, &c. were call'd by the same Name of Synod and Concilia? Why so angry at a distinction between a Parliament and a Synod? Their Nature and Constitution were entirely different; and so were their Appellations and Titles too among all accurate Writers. It is true, Names may be sometimes jumbled and alternately confus'd; especially in Ages of Ignorance, and in a Narrowness of Language. When yet the promiscuous use of Words does not alway argue the Identity of Things. A Synod of the Church and a Council of the Nation may have been casually confounded in the way of Expression: Espe-

Especially when at the same Time and Place, a *National Council* did sometimes conclude the *Synod*, and confirm the Acts of it; and at other times, the Bishops withdrawing from the *State Assembly*, did resolve themselves into a *Synod*, for a regular capacity of determining in Church Affairs. So as the Terms interchangeably us'd might be no great wonder; a little skill in the occasional use of them could have easily distinguish'd the two several Representative Bodies of *Church* and *State*. But it so happens in this Matter, that the Words *Synodi* and *Concilia* were not indifferently taken for a *Spiritual* and *Temporal* Convention. *Concilium* indeed was a general Term, and applicable to the two different kinds of Ecclesiastical and Civil Meetings: But here in *England*, when spoke of our State-Assemblies, it was commonly specify'd by, *Regis*, *Magnatum*, *Sapientum*, or *Magnum Concilium*. And then it alway denoted that National Legislative Body, which we now call a *Parliament*: Which in the Saxon was *Micel-Gemote*, *Wittena-Gemote*, &c. But the Latin *Synodus* and the Saxon *Synoth* were rather appropriated to Ecclesiastical Meetings, and such as we still call *Synods*. I leave Mr. *A.* to be taught *Saxon Knowledge* by that Reverend Person whom he despises for it. But as for the *Latin*, I dare undertake that *Synodus* and *Concilium* were not the same Words for a *Great Council* of this Nation. Let *Bede* be the proper Judge of the acception of *Latin Words* in the *Saxon Church*. He uses *Synodus* alway for the proper Church *Synod*, and never once applies it to a *Secular Council* or *State Assembly*. The first general Consult of the *Saxon Bishops* and Pre-

Mistakes
in the
common
accepta-
tion of
Synodus
and *Conci-
lium*.

lates, was that at *Srreneschale* or *Whitby*, about the observation of *Easter*, &c. *Anno* 664. which he calls rightly *Synodus*, and *Concilium* only in the *Ecclesiastick* not the *Secular* Sense. For tho' the Kings were here present, as ordinarily in other Synods, yet it was to keep the Peace, and to protect the Clergy; it was not, that They or their Retinue, as Lay-Men, could determine or define in Matters of Faith and Worship, *Bed. Hist. l. 3. cap. 25.* The next Ecclesiastical Assembly was that conven'd by Archbishop *Theodore* at *Herudford*, *Anno* 673. which *Bede* calls *Concilium*, but definitely *Concilium Episcoporum*, and therefore terms it expressly *Synodus*, and recites the Canons by the fit Title of *Actio Synodica*, *Bed. Hist. lib. 4. cap. 5.* So the other Ecclesiastical Meeting at *Herfeld*, *Anno* 680. under the Presidence of the same Archbishop *Theodore*, was properly a *Synod*, and the Decrees of it were drawn up *Synodalibus Literis*, in Synodical Letters, *Bed. Hist. l. 4. cap. 17.* In short, all the chafest Latin Writers in or near the Saxon times, have sufficiently distinguish'd between the Ecclesiastical and Civil Assemblies. *Concilium* indeed was applied to both, but in such manner, as easily restrained the Sense to Church or State. But commonly when meant of the State Assembly, it was call'd *Commune Concilium*, *Generale Concilium*, *Magnum Concilium*, *Sapientum*, *Optimum*, *Regis*, *Regni*, &c. *Concilium*. And no one of these Phrases was ever applied to a Church Council, or *Synod*.

It is out of my way to contend about Words, but where the Interpretation does much affect the
the

the *Sense of Things*. If I had granted to Mr. A. that the mixt Meetings of Spiritual and Secular Persons were stil'd properly *Synodi* and *Concilia* at large: His consequence is ready, that in the *Saxon* times there was no difference between a *Synod* and a *Parliament*; but that Spiritual and Temporal Affaris were equally under the cognisance and final determination of every such solemn Meeting of King, Bishops, Counts, and Thanes. An *Erastian* Error, highly injurious to the fundamental Rights of every National Christian Church: And a Scandal upon our own happy Constitution, wherein King, Lords, and Commons, never thought themselves a *Church-Synod*, nor medled with any thing but the external Peace and Orders of Religion; allowing the Clergy in separate Meetings to declare the *Doctrine* of the Church, and to establish the *Spiritual Discipline* of it.

The *Saxon* Great Councils were not Church-Synods, as Mr. A. dangerously asserts.

There is another ill meaning in Mr. A. which I was the more oblig'd to *obviate*; that is, if he could persuade us, that the *Saxon Parliaments* were *Synods*, because there was a mixture of *Bishops*, and (as he says) of *Priests* in them. Thence will he infer, that when the Prelates and Clergy were in later *Parliaments*, they must have been in course an Ecclesiastical *Synod*, as well as a Parliamentary *Convocation*: Than which nothing more opposite to Law and Fact. The Bishops were in the *Saxon* Parliaments, as they are in *Ours*; not purely as *Spiritual* Governors, but as eminent Members of the *State*; not barely as *Representatives* of the Church, but in their Personal and Political Capacity; to Act for

Clergy in Parliament do not make a Synod.

for *Themselves*, not for the *Body* of the *Clergy*: And this is the true Reason, why their Votes are numbred with those of the Lay Peers. The Lords *Spiritual* and *Temporal* are, as it were, *One* Estate in the Civil Legislature. So again, when the lesser Dignities and lower Clergy were call'd to *Parliament*, they appear'd there, not to represent the Church as a spiritual Society; but to serve the State, as joint Members of the Body Politick. And therefore their Powers were not to judge of *Doctrines*, or to draw up *Rules* of Discipline; but to give their due Portion of Aid and Relief to the publick Necessities; and so procure to themselves a continuance of their Legal Rights, and an Ease from all unlawful Impositions. By which measures, they consulted and secur'd the outward Peace and Prosperity of the *English Church*, as united to the State: But they did not meddle with her Laws and Constitution as a *Christian Society*. This Ecclesiastical *Judicature* was all along reserv'd to Ecclesiastical *Synods*. In short, our Bishops and Clergy in *Parliament* were only sacred Members of the *Civil Society*; and their Business here was not *Spiritual*, but *Temporal*.

County
Courts
were ne-
ver Parlia-
ments, as
Mr. A.
does od-
ly assert.

Mr. A. does not only confound *Parliaments* and *Synods*, but even *Parliaments* and *County Courts*, whither with greater Ignorance of the former, or greater Contempt of the present Constitution, I shall not judge. But thus, unhappy Man, he states the Case. *They* (i. e. the *Spiritual* and *Temporal* Part of the Kingdom) were conven'd in like manner twice a Year by a Law of King Alfred's. And one of those Meetings was fixt (if not in his time, yet afterwards) to the Ca-
lends

lands of May, as it was in Germany. And to this *All the Proceres Regni & Milites, & liberi Homines universi totius Regni Britanniae* resorted, and it was stil'd *Plenus Folcmote*, and distinguish'd from the other *Folcmote*, where only the *Episcopi, Principes, & Comites* were present, p. 31, 32. All this is Darknes, or else it is worse, it is sinning against the Light. There never was a Law of King *Alfred*, nor of any other Saxon Monarch, that did limit or ascertain the Time or Place of Great Councils or National Parliaments. The Celebration and Return of them were always at Royal Will and Pleasure, exerted *when* and *where* the Prince determin'd, as Circumstances and urgent Occasions might require. The King indeed usually assign'd the Three greater Festivities of *Christmas, Easter, and Whitsuntide*, when his Nobles by Dutiful Custom more especially waited on Him: And by degrees our Princes kept their Court commonly in the same City, at each of those Solemnities. So that by this prevailing Usage, the *Time* and *Place* of Ancient Parliaments came to be in a manner fixt and settled: Tho' still with a Prerogative in all those former Kings, to alter the *Seasons* and the *Stages*, as should seem meet to their own Royal Wisdom. But Mr. *A.* to advance the Populacy in all Reigns, would make Us believe, that an *Annual Folcmote* was an *Annual Parliament*, or rather a New Parliament every Six Months in *Alfred's* Time, by a Law of *Alfred's*. Yet it seems a *Traditional* not a *Written* Law. He sends Us to no printed Collection of those Laws, but to a Report in the *Mirror of Justice*. cap. 1. Sect. 3. It is a Question, whither that Author saw any more Laws

Mistaken
in the
Laws of
Alfred.

of

of King *Alfred*, that what the Industry of later Times has found out and publish'd. But grant it a *Law*, it meant only this. That sole *English Monarch* for the more regular preservation of Peace, and Administration of Justice, reduc'd his United Kingdom into certain definite Portions, and circumscrib'd Bounds, subordinate and depending upon One Another. He parcell'd the Kingdom into Counties; those He subdivided into Trithings, now Laths, Rapes, and Ridings: These He cast into Hundreds, and them again into Deaneries or Tithings: And appointed peculiar Officers to preside in each respective Division. And more especially for his Counties, he made his Alderman, Earl, or Count, the Superiour Magistrate in Civil and Military, as the Bishop was in Ecclesiastical Affairs. Hereupon the Inhabitants of the whole County were to meet twice a Year under the conduct of the said Alderman and Bishop, which solemn Conventions were call'd *Shire-Motes*, County Courts, *Gerefe-Motes*, Sheriff's Turns, *Folc-Motes*, Popular Assemblies, of which the fuller and more numerous was in the Spring (for some time affix'd to the Calends of *May*) the other in Autumn. As the same Practice of Common Law continued after the Conquest—*Vice comes faciat Turnum bis in anno, in loco debito & consueto, viz. Semel post Pascham, & iterum post Festum Scti Michaelis*, is the Usage declar'd in very many Charters. For as to this County Government, there was no alteration in the *Norman Times*. Only that *Will. Conq.* divided the *mixt Jurisdiction* of Count and Bishop: And made the County Court *meerly Civil*, under the sole disposition of

of the Count and his Deputy, the Viscount or Sheriff: Allowing the Bishop by himself or his Substitute the Archdeacon, to hold Ecclesiastical Courts by distinct Authority, and at a separate Place; tho' still twice a year, and at the same seasons of it. Which (to oblige Mr. A. with a piece of History) is the Original of our present Visitations, or Courts of Spiritual Inquisition, *One* after *Easter*, the *other* after *Michaelmas*, *One* commonly by the Bishop or his Chancellor, the *other* by the Archdeacon.

But could Mr. A. imagine, that the Fuller of these Folc-Motes was a National Parliament? And this by *Alfred's Law*? Those Laws of that Prince, that are now transmitted to us prove just the contrary. In the Collection publish'd by *Twisden*, *Tit. 15.* to keep the Peace in these Folc-Motes, it is order'd that whoever Fights or draws a Weapon, shall pay 120 Shillings if it was before the Alderman himself, or 30 Shillings if it was before the Alderman's Deputy or Sheriff, and as much if before the King's Priest, *i. e.* the Bishop. In the other Copy of those Laws publish'd by *Lambard*, the 22d and 30th do plainly shew, that these Folc-Motes were held before the King's Gerefe for County Causes only: the King himself was never in them, nor any *Theigns*, but those of the same County. I must confess, I always look'd upon these Republican Principles to arise from Ignorance of the *Past*, and Design upon the *Present* Times. But 'tis yet, I hope, too early, to have *Parliaments* in every County, or to have any one *Parliament* without a *King*.

The full Folc-mote was but the greater County Court.

Republican Principles Base and False.

To

He wrests
Spelman's
Sense of
Folc-Mote.

To confirm his Story of a *Folc-Mote*, Mr. A. directs us to Spelman in *Gemotum*, where he only tells us the Nobility, Bishops and Freemen came together, *tanquam in annuo Parlamento*, where the Allusion sufficiently denies the Identity; and their Consults *de communi salute, de pace, de bello, & de utilitate publica Promovenda*, could be only for keeping the Peace of the County, which the Sheriff was alway bound to do, and for that purpose may still command the *Posse Comitatus*. But he insists likewise on the Laws of *Edward Confessor*, cap. 35. when granting, we have either the Words or the Sense of those Laws; It is evident in that Chapter, that a *Folc-Mote* was not a *supreme* Court of the Nation, but a *subordinate* Meeting of every Shire, in which the common People swore Allegiance to the King, before the Bishop, who was Co-Assessor with the Count, for this reason among others, to take the Oaths of the Fealty-Men with greater Solemnity. But Mr. A. offers one more Proof of a *Folc-Mote* Parliament. Says he, *In such a full Folc-Mote as this, Earl Godwin was outlaw'd in the Confessors time. For so is Knighton's Account of it. Edwardus in Parlamento pleno Godwinum cum Filiis suis exlegavit*, X. Scrip. Col. 2331. But what Knighton calls a *full Parliament*, does any other Writer call a *full Folc-Mote*? Not that I know: Earl Godwin's Judgment or Outlawry was not given in a *Folc-Mote* of Kent, or any other County, where the King came not in Person, but was represented by his Ministers the Earl and Bishop; but it was given in a proper *Great Council* or National Parliament, in Presence of the King and his Barons of the whole Realm—— *Londonias, ubi*

He mistakes
Hen. de
Knighton.

ubi Rex & omnes Regni Magnates ad Parliamentum tunc fuerunt. Chron. Joh. Brompton, col. 937.

To do Mr. *A.* right in his better knowledge of Things, he seems to have been conscious that a *Folc-Mote* was a County-Court; but he would distinguish and say, *There was another full Folc-Mote, which was a County-Court only.* A most absurd Salvo. There were but two *Folc-Motes* (or rather two *Shire-Motes*, of which the larger was more especially call'd the *Folc-Mote*) in each Year: The first in Spring or *May* was a fuller Court than that in Autumn or after *Michaelmas*, because the Oaths of Fidelity were administred in that first; and because the Country-People were not so much at leisure to attend in the latter. But they were both equally County-Courts, and differ'd in effect no more than now the *Lent* and *Summer* Assizes. I cannot tell, what popular Designs are to be serv'd, or what new Scheme of a Republick is to be recommended to *this* Age, or to the *next*. But I am sure by this Notion of making a full *Folc-Mote* to be a Parliament, with a Lieutenant or Sheriff at the Head of it; every *Shire* would be a Common-wealth or else a petty Kingdom; which, I hope, is a little more, than the wisest Projectors have yet thought of.

His other Notion here, that Parliaments were provided to be Annual by a fixed Law, is meer Fancy. Nay, to make an Anniversary Parliament on the first of *May*, is a more grievous Incongruity. We can give him him the date

Parliaments were never made Annual by any Law.

date of Great Councils or Parliaments, or at least many of them in the latter *Saxon* and first *Norman* Reigns : In which, not one of a hundred, perhaps not a single one, falls upon *May the First* ; because it hapned between the two other ordinary Sessions of *Easter* and *Whitsuntide* : And because the Nobility and Commonalty were both taken up in their several Counties at the *Folc-Mote* or Sheriff's turn. There is indeed another Writer, that stumbled upon this Conceit of a Yearly Parliament on the Calends of *May* : But it was a Time-serving Thought, at which all Men of Reading smil'd, and said nothing. But for Mr. *A.* now to write *for the Church*, and yet destroy the Foundations of *English Monarchy* : For Mr. *A.* to be in earnest about *Original Constitution*, and yet to run away with such false and seditious Rumors, as that the *King's Supreme Court* was once call'd the *Court of the People* : And that this popular Assembly, being a High Court of Parliament, was fix'd by Law to *Annual Sessions* upon *May-Day*, without regard to Royal Summons, &c. This is so Rank, as it never yet came from a Monarchical or Episcopal Divine.

The *May-Day* Parliament a meer Jest.

And yet Mr. *A.* does flourish it with the utmost Assurance. To this (*i. e.* the Great Council fix'd to the Calends of *May*) all the *Proceres Regni & Milites & Liberi Homines universi totius Regni Britanniae* resorted ; and it was stil'd *Plebus Folc-Mote*, and distinguish'd from the other *Folc-Mote*, where only the *Episcopi, Principes, & Comites* were present. All meer Invention, to serve dangerous Designs. And because it is easy upon a false Principle to raise a false Consequence ;

sequence; he goes on, *which was the Foundation of that difference that appears afterwards in our Records, between a Great Council and a Parliament; (or full Parliament, as it is often Emphatically call'd) the one being a select Convention of the Nobles and Great Men; the other a General Assembly of all the States of the Realm, ib. p. 32.* If this Mistake had no great influence on our present Argument; yet in Honour and Justice to our English Government, I am bound to observe, that this is all precarious, and rashly said.

Till the latter end of *Hen. III.* there was no distinction at all between a *Full Parliament* and any other: And therefore it is strange, the difference should be owing to a Fuller and a Thinner *Folc-Mote* in *Alfred's Days*. Till the Commoners were generally summon'd to a National Assembly, a *Great Council* of King and Barons was the *only Parliament*, i. e. the only Consultive and Legislative Body of the Realm. My Opinion is, That the Constitution of English Parliaments alway depended upon *Property*: While Estates were held in few Hands from the Crown, such Chief-Lords with the King were a *Council* of the whole Kingdom: As to Property, they concluded their Inferior Tenants; and as to Peace and quiet Subjection they were accountable for them. But when the Estates were subdivided into many lesser Free-holds, then all such *Free-holders* had a proper Interest in their own Tenures, and could have no Burden laid on them without their own Consent. As with single Persons, so in effect with Towns and Bodies of Men: Those *Vil-*

Mr. A. is utterly mistaken in his occasion of a distinction between a *Parliament* and a *Great Council*.

The Constitution
of Parliaments de-
pended on
Property.

lages, however populous, that had no especial Property of their own, were concluded by the greater Barons that were Lords of 'em ; or lay in common with the whole *County*. But those *Cities* and Burroughs that had a peculiar free Tenure from the Crown, they were distinct Proprietors, independent on the Counties, and subject to no Talliage, but what they themselves should consent to. Which Consent, for the Community of Counties and of separate Corporations, was publickly given by Representatives in the publick Council of the Nation. Thus *Liberty* and *Property* kept equal Paces ; they are the Twins that have liv'd and will die together. It was by this change of Property, that the Commoners had a Right to be constantly summon'd to Parliament ; not barely as the People of *England*, but as the *Proprietaries* of *England*. And after all the Attempts of asserting *Popular Authority*, I think the People without Property were never considered in the Governing Part of this Nation.

I may have leave further to conjecture, that this Property in Free-holds was not so diffusive, was not got into so many Hands, till toward the Reign of King *John*. In short, *this* was the Reason of his Charter-Promise, to *summon in general by his Sheriffs and Bayliffs all that held in Capite of him*, that they might not be tax'd without their own consent. This new Constitution upon the first Establishment of it might sometimes vary in tumultuous Times : But it seems to have been claim'd and restor'd as Antecedent Right, as well as agreed on for the most prudential Ballance of the Nation,
toward

toward the latter end of *Hen. III.* from that time acknowledg'd, and to be ever now maintain'd, as Fundamental, Sacred, Inviolable Constitution.

When the Commoners were thus formally summon'd to convene with the Lords, it was at first chiefly *de Auxiliis assidendis & de scutagiis assidendis* (Magn. Cart. R. Joh.) for assessing Aids and Subsidies to the King: Other Privileges were sure to arise from the greatest Right of *giving Money*. So as when publick Occasions requir'd a Supply, such a universal Body or *Parliament* was to be call'd. But when the King had no such need of his People's Assistance, but only of his chief Subject's *Advice*; or their Personal *Expedition* with him; then he call'd only his Bishops, greater Prelates, and Temporal Lords, as to an extraordinary *Council*. So as from this time, King, Lords and Commons, made up the proper Parliament, the *Generale Colloquium*, the *Commune Concilium*, the *Plenum Parliamentum*: But the King and his Great Lords only were still a *Great Council*, the *Magnum Concilium*, for all contingent Occasions, that did not require a General Tax, or a new Law. Here the Distinction was founded, and this was the true difference between them.

I perceive Mr. *A.* in another Chapter is very fond of proving, that *there was by our original Constitution a difference between the Greater and Lesser Councils of the Realm in the Saxon times*, p. 295. that so in those *Days of Yore*, he may send the Bishops and Barons to that *Lesser*,

and bring up the Inferiour Clergy and the common People to this *Greater Council*. But I think he has done it upon a false Bottom, and with a multitude of Mistakes; as shall appear, when I come to examine that VII. Chapter. I have only said a Little to refute that odd Conceit of his, that the two sort of Saxon *Folc-Motes* were the *Foundation* of that difference that appears afterwards in our Records between a *Great Council* and a *Parliament*. Whereas a *Great Council* never signified less, than what we now call a *Parliament*, till the Reign at least of *Hen. III.* when the Collective Body of King, Nobles, and Commons, were the solemn *Parliament*: And the King and his Barons only made but a *Great Council*.

Mr. A.
does ho-
nestly to
confess the
People and
Lower
Clergy
had no
Authority
in Saxon
Councils.

We are now again to thank Mr. *Atterbury*, that in the midst of his Harangue for the People, he comes to a Confession, that of old they had a *Presence* only at Great Councils, not any *Jurisdiction* in them: And that they did *approve* and *commend* the Decrees of such a Council; but did not *enact* them or *subscribe* them. Which is a very *Truth*; and if for the sake of Truth he owns it, he will always remember his own Acknowledgment. He is very Ingenuous and Fair in saying, *The Members also of our Saxon Councils were alike distinguish'd into such as had right of Suffrage and Subscription, and such as were present chiefly in order to approve*, pag. 32. And he gives us some Authorities for this his modest Concession. Thus a *Charter* of King *Ina* is said to be passed *Consentientibus omnibus Britannie Regibus Archiepiscopis, Episcopis, Ducibus, atq; Abbatibus*. And they to have subscrib'd and con-

confirm'd it, *Cum Prasentia Populationis*, Monast. vol. 1. p. 13, 14. — And so his Laws were made *Exhortatione & Doctrina Episcoporum & Seniorum Sapientum*: And in multa congregatione *Servorum Dei*, i. e. of Inferiour Church men, Jorval. p. 761. And in relation both to the lower Clergy and Laity, that Passage in one of Ingulphus's Charters is very observable, *Fidelium infinita Multitudine, qui omnes Regium Chirographum laudaverunt, Dignitates vero sua Nomina subscripserunt*, p. 17. This plain Matter needs no Confirmation; or else I could strengthen his Authorities with a hundred more evidently shewing, that such indeed was the Constitution of the Saxon Civil or Mix'd Councils: The King, Archbishops, Bishops, Abbots, and Temporal Lords, were the constituent and authoritative Part, who ordain'd and ratified every publick Act. The Common People might flock thither in Attendance upon the Lords, or under a common concern for the issue of such Consults: But they knew their Distance, and their due Regard; they did not offer a Vote, nor attempt a concurrent Subscription: But if they lik'd the Proceedings, they could give some publick Testimony of their Approbation and Applause: Or if they dislik'd them, they could give as much proof of their ill Resentments, by discontented Silence, or by open Murmurs. As in Civil and Mix'd Meetings or Councils, so in pure Ecclesiastical Assemblies or Synods, the Archbishop was the Head or Spiritual Monarch: His Suffragan Bishops and the greater Abbots were the associated Peers; he ordain'd by their Advice. And if any inferior Priests or Deacons were in the Sect or Re-

tinue of the Prelates : Or came to know how far their Interest and Duty might depend on the Result of such Synodical Debates ; yet they did not offer to intrude or intermeddle more, than with their voluntary *Assent* and *Approbation*, or with their Occasional *Dislike* and *Aversion*. This was long since the state of *Councils*, and of *Synods* : It is otherwise now in our better Constituted *Parliaments* and *Convocations*. The People and Clergy are admitted to more balancing Right and Power, which I think none can more thankfully and worthily Enjoy, than those who are most sensible of the *Happy Change*.

The People and Lower Clergy were never summon'd to the Great Councils.

Mr. A's fault (with the rest of *guilty Men*) is this : When He has made a sort of ingenuous Confession, for fear it should be turn'd upon Him, He does as it were detract it, or so palliate it, that it can rise up in no great Judgment against Him ; And therefore when he had in a manner acknowledg'd, that the Common Laity and Lower Clergy had nothing to do in *Councils*, but to be *present*, and upon occasion to *approve*. Yet he will have it, that they must needs have been summon'd or methodically conven'd, tho' to so little Purpose. *I cannot* (says he) *bring my self to think, that these and such like Phrases signify only a Rabble, or mixt Multitude, that resorted to such Meetings as these of their own Accord : But must till I am better inform'd believe, that some Order and Method were observ'd in convening them.* Marg. Note, p. 32. I don't say, they were a *Rabble* ; but I say, If there had been any Order or Method in convening them, we should have heard somewhat of

of that *Order* or *Method*: We should have found at least some blind Footsteps of it. But as Mr. *A.* drops the Proof, so indeed it is impossible to prove. I do not think there is One Sign or Token of any orderly Call or regular Summation. And therefore to my Apprehension, their Appearance was *voluntary* and *casual*, as Curiosity, or Duty, or other Business drew them together: Even as Men are naturally drawn to any *Great Assembly*. Would Mr. *A.* infer, that in Term-time the Crowds in *Westminster-Hall* are subpoena'd thither? Or in time of Parliament, would he Argue, that all the Company in the *Court of Requests*, &c. are summon'd thither in Order and Method? Perhaps He and I and many an idle Body have paid our *Attendance* there, and that is All.

Mr. *Atterbury*, when he has well enough acknowledged, that in the Saxon Councils the Common People, and Lower Clergy had no Right of Suffrage or Subscription: He carries it in a Humour a little too boldly on. He says, *Some Footsteps there are of this difference still visible in the several Writs to the Lords, and for the Commons; the One running, Quod intersitis cum Pralatis & Magnatibus—tractaturi, vestrumque consilium impensuri; the other ordering them, Ad faciendum & consentiendum hijs quæ tunc ibidem de Communi Concilio contigerit Ordinari de Negotiis antedictis.—And the same distinction doubtless there was between their manner of Attending those Great Councils, which was such, as shew'd regard and distance; and is even now kept up to a Degree, when the Commons come to the Bar of the House of Lords, &c. It is well He himself observes it. Such an*

Mr. *A.* is too free with the House of Commons.

Observation from Dr. Wake, he would have put into Great Letters, with this Remark upon it. *The Comparison begins to be saucy, and may prove dangerous.* Pref. p. IX.

Mr. A.
perverts
Mr. Selden.

Mr. A. comes next to borrow a Mistake from Mr. Selden, whose Name, tho' deservedly Great, is not Great enough to Consecrate an Error. I shall add (says Mr. A p. 33.) *one Remark made on these Saxon Meetings by Mr. Selden.*---He observes, that the Shire Gemots, or Sheriffs Turns were not only ordered by the Old Saxon Laws to be held twice a Year, as Provincial Councils were by the Canons; but punctually at the same time also, that those Councils were to be summon'd (i. e. after Easter and Michaelmas) as the Thirty Fifth Chapter of Magna Carta shews. And this he supposes to have been practised on the State-side in Compliance with the Rules of the Church. It is true, Mr. Selden in his Note upon Will. I. dividing the Ecclesiastical and Civil Courts, does well observe, that the Schire Gemots under Earl and Bishop were to be held twice a Year by the Laws of K. Edgar, and Canute: Whence our present Sheriffs Turns held half yearly about a Month after Easter and Michaelmas. Then to be Learned, He does farther add, That there was a Canon made in the Council of Antioch, Anno CCCXLI. that commanded the Bishops to hold their Synods twice a Year, and that at the seasons after-mentioned; *Neque verisimilimum non est*; Nor is it unlikely, that from thence came the Custom in the former Age, that the Sheriff and Bishops should first together use those stated Times, &c. Mr. Selden lays no stress at all upon this far-fetcht Derivation of the Saxon Custom:

And
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County
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from : He is pleas'd to pass it for a Learned Conjecture ; but it is really altogether improbable, that our *English* Government should take any Model from a *Grecian* Synod Celebrated above One hundred Years before the illiterate *Saxons* took possession of this *Island*. However, Mr. *Seiden*, to shew his *Reading*, might offer it as a remote Guess ; but Mr. *A.* alone to shew his *Understanding*, has first took it up for a serious Argument. And yet He does not know how to make it out. No, says He, *This does not exactly Square, because the Canons related to a Synod of the Province, whereas this was only a County Meeting.* No indeed ! when the *Canons of Antioch* are suited to the *Customs of England*, it would be a wonder, if Things at so vast a distance of Time and Place should square with one another. I believe our *Northern* Ancestors were not over-fond of the *Eastern* Rites ; and upon their first Conversion by the *Romans*, I presume they thought little of the *Greek* Church.

Indeed in our *English* Form of Policy, there were few Things practised on the *State-side* in compliance with the *Rules of the Church*. Rather on the contrary the *Externals of Church-Government* were mightily adapted to the *Disposition of the State*. Thus our *Ecclesiastical Officers* took their *Limits of Jurisdiction* from a like extent of the *Civil Powers*. Most of the *Old Saxon Bishopricks* were of equal bounds with the distinct *Kingdoms*. The *Archdeaconries*, when first settled into local *Districts*, were commonly fitted to the respective *Counties*. And *Rural Deaneries* before the *Conquest* were Correspondent to the *Political Divisions*. Their *Spiritual Courts*

The
Church in
Externals
was adapted
to the
State.

Courts were held with a like reference to the Administration of Civil Justice. The *Synods* of each Province and Diocese were held at the Discretion of the Metropolitan, and the Bishop, as *Great Councils* at pleasure of the Prince. The *Visitations* of each County were first united to the Civil Inquisitions in each County; and after the Conquest, when the Courts of Earl and Bishop were divided; yet still the *Visitations* were held like the separated *Sheriffs Turns* twice a Year, and like them too after *Easter* and *Michaelmas*, and still with nearer likeness the greater of them was that at *Easter*. The Rural Chapters were held like the Inferior Courts of the Hundred, &c. *de tribus Septimanis in tres Septimanas*, every Three Weeks. Then, like them too, they were chang'd into Monthly, and at last into Quarterly Meetings. Nay, and a Prime Visitation was held commonly like the Prime *Folk-mote* or *Sheriffs Court* on the very Calends of *May*. The Parallel would run much farther to satisfy any considering Man, that in the External Policy of our *English Church* and State, the Ecclesiastical Frame was most adjusted to the Civil. This indeed was the wiser Constitution of the Christian Church, when publickly Establish'd in All Nations, and but a Natural Consequence. For tho' as to the meer Spirituall of Faith and Salvation, the *State* was received into the *Church*, and bound to accept the Laws of it: Yet as to the Mixt Affairs of Government and Discipline, of Peace and Order, the *Church* was receiv'd into the *State*, and was to abide in all lawful Conformity with it. So Absurd is it in Mr. *A.* to imagine, that the Saxon State was regulated in so much

Compliance to the Rules of the Church. Especially when those our rough Old Ancestors had settled their *Native Government* here, before they receiv'd a *Foreign Religion*.

It is true, Sir *Henry Spelman* has indulg'd himself in a like Conceit, that by the *Model of the Church Policy*, and according to the Steps thereof, the *State Temporal* did likewise take her *Lineaments*. *Reliq. Spelman. p. 50.* But he means it rather for a Rhetorical Allusion, than for a Rational Argument. That Great Man is here upon Fancy, not upon Judgment. He represents the Church and State in a sort of Allegory, as *Two sides of an Arch*, descending alike from the Coan or Top Point, and then again as *Two Loving Sisters*. And so he begins with the Church as with the *Right side of the Arch*, and as the *Elddest Sister*: And then concluding with the State, He was oblig'd in his Figurative way to make this *Left-side* corresponding with that *Right*; and this *Younger Sister* to be somewhat like her Elder.

Sir Hen. Spelman is not serious in any such Conjecture.

When Mr. A. has thankfully accepted this Hint from Mr. Selden, He desires thus to improve it. p. 34. Indeed a Story at Second-hand is seldom told without Improvement. But then such Improvements commonly deserve another Name. Mr. A's Additional Comment is, That the Two General Folc mootes (not the particular Shiremootes) were adjusted to the Canonical Times of Assembling. For one of these we find, was to be held constantly at the beginning of May, that is immediately after the Easter Turn was over; for at the same time Both could not be held, since the same Persons were oblig'd

The Folc-mootes, or Shiremootes were the same thing.

lig'd to attend Both. This I am persuaded is meer Invention. I can find no *Two General Folc-motes* different from the *Two Particular Shire-motes*, they are the same thing by several Names. Only one of the particular *Shire-motes* was usually call'd the *General Folc mote*, *that* after *Easter*, to which the People had more Business, and more Leisure to resort. This greater *Shire-mote* was the very *Folc-mote*. All the *Laws* unite them, and it is meer Fancy to divide them. *Spelman* indeed in his *Glossary* speaks of them under several Names, yet He does not say, their Nature was absolutely distinct. There were some inferior and intervening Courts to be held by the Sheriff once a Month. *Leg. Edw. sen. cap. XI.* but the solemn Half-yearly Courts for the whole Shire or County, where the Alderman and Bishop sat jointly to the Conquest; These were call'd the *Shire-motes*, or County Courts, from the extent of Jurisdiction; and *Gerefe-Motes*, or Sheriffs Turns, from the chief President in them; and the bigger of them in Spring was call'd *Folc-mote*, and *full Folc-mote*, from the numerous Resort of all the County People. Mr. A. finds one of these *Folc-motes* to be held constantly at the beginning of May, *that is immediately after the Easter Turn was over.* No such thing! It was not the Wisdom of our Forefathers to call Two General Meetings of a whole County, One immediately after Another. There was an Interval of Six Months allow'd. And therefore when the *Folc-mote* was held on the First of May, the *Easter Turn* was not then over; For *this* was *It*, this *Folc-mote* was the very Principal *Shire-mote*, this *May-day Meeting* was the very *Easter Turn*. Between *Easter* and

Mr. A. is
extremely
out in
these Mat-
ters.

and *May-day*, there was often no room for any other County Court; and before *Easter*, or in *Lent*, it was not then the Custom to hold Courts. When a Man is out of the Road, every step he takes does but more distract him. Therefore Mr. *A.* is at a sad Loss for an Affligation of Time to his other *General Folc-mote*. He could find, it seems, in *Spelman* but one yearly Folc-mote, and that upon *May-day*. But resolving upon *Two*, and both distinct from the *Shire-motes*, he is puzzled when to make a Holy-day for the Latter: And so he comes off in meer doubting and divining, *the other we may presume, if it met that year, was held at the like distance from the Michaelmas Turn*. Alas, it was it self the *Michaelmas Turn*, or County Court held after *St. Michael*, as the other after *Easter*. Only that Meeting in the Spring being greater than this in Autumn, was often by Eminence call'd the *Folc-mote*; and this other plainly the *Gerefe-mote*, and *Shire-mote*. Mr. *A.* will have one other improving Observation, *tha the County Courts were preparative to the National Assembly*. He must mean that there was a whole National Assembly immediately after every *Easter Turn*. Very strange ways of presuming and supposing! Why *Preparative*? Why, *either to the Causes that were first to be tried there, and then finally determined here*. If there lie an Appeal from Court of Chancery or Common Law to the House of Lords, are therefore the Sittings in *Westminster-Hall* *Preparative* to the Parliamentary Sessions? Well but, Or (if the *Antiquaries* would give me leave to say so) for the Return of Members. Nay, if Knights of the Shire had been so Elected twice a Year
in

in the Saxon Times, I have done Arguing. But I wish, he had spar'd his *Jest* upon *Antiquaries*; because they are generally a sort of Men, that don't love *Jesting*. They think the History of Law and Fact should be delivered in serious sober Truth; not like this Relation about the Saxon Church and State, which is all but a pleasant Fable. And if the Learned Mr. Nicholson with all his Saxon Knowledge can give us no better Account of this Matter, it will be as Mr. Atterbury says, *An Instance, which shews how fit he is for that Office he has taken upon himself, of being an Umpire in this Controversy.*

As Ignorant of the Norman times.

Mr. A. now passes from the Saxon to the Norman Times; and in an Age of more Light, might oblige us with more Knowledge, and a better certainty of Things. Yet even here he writes with obscurity; and sets up a Scheme of Government in opposition to all our Histories and Records. And what is worse, he would support a Notion of his own, for the Parliamentary Seats of the Inferior Clergy, by destroying their much greater Rights, those of Synods and pure Ecclesiastical Councils. For to bring the Lower Clergy against their Will and their Interest to the Great National Assemblies under *Will. 1.* He will have those General Meetings to be *Convocations* for the Church, as well as *Assemblies* for the State; and therefore to be *mixt Councils*, because Affairs Spiritual and Temporal were promiscuously and equally transacted in them. A Mistake of as much Prejudice to the Christian Church, and as much Shame indeed to this civilized Nation, as Mr. A. could well invent. That Princes
and

and their Military Barons should *preside* and *mix* in the Highest Court Christian ; and join in the decision of Cases purely Conscientious. That the Bishops and Church-Governors should hold no Consult, and make no Decrees, but when their Keys were thus *mixt* with Sceptre and Swords. That every Parliament by this *mixture* should be in itself a *Synod*, and have as much Authority for *Canons* of the *Church*, as for *Laws* of the *Realm*. This is such a Medley of *Ecclesiastical* and *Civil* Policy ; or rather such a Subjection of the Church of Christ to the Kingdoms of this World ; as no *Divine* ought to assert, and (what is more happy) no Historian is able to defend.

But provided Mr. *A.* can get the Lower Clergy into the Conqueror's *Great Council*, he is content to shut them out for *that time* from all separate Congregations and Synods. Says he, *The Norman Revolution made no change in this respect*, p. 35. True ! If the Inferiour Clergy never came to the *Saxon* National Councils, by any legal Obligation, in any regular Method, upon any solemn Call, or with any Authority of Acting ; but came (when they did come) at their own Humour or voluntary Pleasure, in accidental Numbers, upon occasional Business, and with no Powers but the common Liberty of Mankind, to express their Dislike or Approbation of what was done. Then indeed, *the Norman Revolution made no Change in this Respect*. For so it was *Now*, as it was so *Before*. But it was so neither *Before* nor *Now*, as Mr. *A.* is going to represent it.

To get the Clergy into Parliaments, he will let them hold no other Synods.

Though

The Lower Clergy were not in the Great Councils of Normandy.

Though the Conqueror is known to have divided the Court of the Bishop and the Earl, who before mix'd Jurisdictions; yet he continu'd still to assemble the Clergy Nationally with the Laity, here as in Normandy, *ib.* If by the Clergy he means, (as he must, or he means nothing) the Inferior Clergy, I am assur'd it was not so in Normandy. His Authorities from *Ordeicus Vitalis* do by no means prove it. That Writer, p. 722. by *Clerus* and *Proceres* includes only the Prelates and the Barons. They alone with the Duke were the constituent Parts of a Norman Council. If the Barons were attended by some of their depending Tenents; so might the Prelates be attended by some of their subordinate Priests and Deacons: And thus indeed the Norman Clergy had the Honour, that Mr. A. would confer upon his English Brethren, they were an *Attendant upon the Parliament*: But as to any Conciliary or Judicial Concern, they had nothing at all to do. The very first place to which Mr. *Atterbury* refers for the Proof of his One thing, does expressly prove the Other. *Orden. Vital. ad Ann. 1080. p. 552* An Account of the Council at *Lillebon* in Normandy held by King *William* at *Whisuntide*, where the Parties summon'd to it are particularly reckon'd up, Archbishops, Bishops, Abbots, Earls, and other Nobles or Barons. *Rex Guilelmus in Festo Pentecostes apud Illebonam resedit, ibiq; Guilelmum Archiepiscopum, et omnes Episcopos & Abbates, Comitesq; cum aliis Proceribus Normannia simul adesse præcepit.* And the following Acts of the Council are Demonstration, that the Lower Clergy had no Power in it, nor any

Influence upon it. For a severe Law was here made for the deprivation of the Married Clergy, extending to Presbyters, Deacons, Subdeacons, Canons, and Deans, who had then most of them their lawful Wives; and would never have consented to such a tyrannous Inhibition, if they could have given or made any Voices to oppose it. The Lower Clergy had indeed a Title to be call'd. and a Duty to appear, in the Diocesan Synods, and there acted in concurrence with the Bishop, as these very Statutes do imply. But as to National Civil Councils, or Provincial Church-Synods, they had nothing of Right to be summon'd, nor of Authority to interpose.

Yet Mr. *A.* will have the Lower Clergy to have a better Title to Parliaments in the *Norman*, than they had in the *Saxon* times. *The Conqueror did not only continue still to assemble the Clergy (Lower Clergy) Nationally with the Lairy, here as in Normandy; but he united them more closely than before by his new Tenure of Knight-Service, which obliged all Persons, that held of the Crown, whether Spiritual or Temporal, equally to attend his Great Councils, ib. p. 35. Mr. A.'s Position here is This, That All Persons who held of the Crown by Knight-Service, were oblig'd to attend the King's Great Council. I deny it, and so do all our Records. King William I. kept most of those Lands in the Crown, that formerly belong'd to it; as Terra Regis or Crown-Lands. But most of the Estates forfeited to him, he divided into Honors and Baronies, made up of several Knight's Fees as incident and appendent to them. These he bestow'd on his late Fol-*

The Lower Clergy did not come by Tenure.

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lowers,

lowers, the greater *Normans*, and oblig'd them to a common condition of feudal Tenure, to attend him in his Civil Councils, and in his Military Expeditions. These Lords of the Honour or whole Barony, let out their Knights-Fees or less Portions of them, to other Military Tenents, as they themselves held from the King, *i. e.* on condition to attend their Baron-Courts, and to follow them to the Wars. But then these secondary Tenents, tho' *libere Tenentes*, *i. e.* by Knight's Service, had nothing to do in National Councils; their Lords went *thither*, and included *their* Consent, as well to Aid and Scutage, as to all Laws and Ordinances. And so it long after continued, as is plain from the customary Writs for each Baron to raise from his Knights, as much Scutage in proportion for each *Part*, as he had paid for the *Whole*. It is certain, that in these larger Estates passed away into Baronies, none of the inferior Knights came to Parliament, but only the chief Barons or Lords of the Fee. The only Question is of the Crown-Lands, when the King let out smaller Portions of them, as one, two or more Knight's Fees under a Barony. Here indeed such less Tenents holding immediately from the Crown, were a little more distinguish'd, they were *Milites Domini Regis*, *Homines Regis*, and *Libere Tenentes D. Regis*, whereas the others depended on the respective Barons or Subject-Lords. Yet still these inferior Crown-Tenents held of the King, but in like manner as the *other* held of their *Barons*, *i. e.* to pay Suit and Service to the inferior Courts within that Royalty, and to attend the King in his Wars or Expeditions.

As to civil Councils of the whole Realm, they had no Summons nor Right to appear, for one or more Knight's Fees, unless they held a whole Barony. I can assure Mr. A. that this is *Norman History*, and Feudal Law. And I can give him many and many Instances, where Persons and Bodies have refused to obey Summons to Parliament, if they had not *totam Baroniam*, tho' they did hold a few or more Knight's Fees *per Servitium Militare*. So as the foundation of Mr. A.'s Call of the Lower Clergy to our Parliaments after the Conquest, is pure Ignorance of the Nature and Conditions of that new Feudal Tenure establish'd in *England* by *Will. I.*

Mr. A. goes warmly on. To these (*i. e.* the Conqueror's Great Councils) therefore were summon'd, not the Bishops and great Abbots alone, but many Others also of the Lower, and even of the Undignified Clergy, who as *Doomsday Book* shews, held Lands of the King in every Shire. And yet for what *Doomsday Book* shews, Mr. A. quotes only the *Eulogium*, which is little less decent than to quote a Pamphlet for a Text of Scripture. Those who look into those venerable Volumes, see the Names of the chief Tenents, as well as the Description of the particular Estates. And among these chief Tenents, there is not above one Presbyter in two Counties. Tho' if there had been many more, it was as lawful for the Clergy as the Lay-Men, to have their share in English Property, if Birthright or any Acquisition did give it, or procure it. The first Title of Land-Holders in every County is *Willielmus Rex*; and the

The *Doomsday Book* shews just the contrary to what Mr. A. pretends to prove from it.

The Cler-
gy were
seldom
Military
Tenents.

Lands so reserv'd to the Crown are in the Description called *Terra Regis*. And those who held such Royal Lands from the King came under different Titles, according to their different way of Tenure. Those who held by Knight's Service were *Liberi Homines Regis*, and *Taini Regis*. Those who held by Serjeantry or doing Offices, were *Servientes Regis*; and those who manag'd the King's Demesnes reserv'd to the immediate Uses of the Court, were the *Dominici Homines Regis*. And those again who held in Frank Almoign are here stil'd *Eleemosynarii Domini Regis*. All which Appellations do occur among the *Doomsday* Tenents, and tho' sometimes a little confounded, as other Things are by the Ignorance of the Juries or the Scribes, yet they are peculiarly proper to the Sense I have given of them. Under these Names of Royal Tenancy some few Presbyters Capellan's and Clerks, are express'd, and some more perhaps may be included. But then these Clergy-Men are rarely or never the *Liberi Homines Regis*, the Knights or Military Tenents: It was not the King's Interest to retain the Clergy for Men of Arms; nor could it be the Clergy's Desire to have Obligations so interfering with their own Function. Therefore these Clergy-Men in *Doomsday* are commonly the *Servientes Regis*, holding by some officary Service, more consistent with their Profession than bearing Arms had been. Some were to carry the King's Letters; others to go Messengers; some to keep his free Chaples; some to attend in his Courts of Justice: Others in his Domestick Family: And even some in pure Alms for their Prayers only.

This

This makes it the more needful to correct a grievous Disingenuity of Mr. *A.* upon this very Matter in another place, 2 *Edit.* p. 320. to prove that Clergy-Men were comprehended under the Name of *Taini & Ministri*. He says, That in *Doomsday* the *Terra Tainorum Ecclesia* is often expressly mentioned. So as in Mr. *A.*'s Learning, these *Taini Ecclesia* were Presbyters or other Clergy-Men. Gross Ignorance of *Doomsday*! They were only the Lay-Tenents of the Church, or Gentlemen, who held Knights Fees within a Barony annexed to some Ecclesiastical Body. If they held by such Feudal Tenure from a Bishop, they were called *Taini Episcopi*, because the Bishop was the Superior Lord of the Fee. If they held from the Body of a Cathedral or Conventual Church, they were *Taini Ecclesia*, because the Fee was in the Church. And this Sir *Hen. Spelman* knew, tho' Mr. *A.* dares to cite him, (*Reliq. Spelman.* p. 42.) for a Meaning that has no Sense or Truth in it.

He mistakes the Sense of *Doomsday* Book.

Abuses Sir *Henry Spelman*;

In that same Place, Mr. *A.* is as foul to Dr. *Brady*, as he is to Sir *H. Spelman*. Says he, Dr. *Brady* adds, that under the Title of *Terra Tainorum Regis*, the Lands of Priests and other Inferior Clergy-Men are often included, *Introd.* Append. p. 21. The Book and Page are open, and there is no such thing in them. Dr. *Brady* does not say, that Priests and Inferior Clergy-Men held Lands as the King's Thaners, Knights or free *Military* Tenents, but as Holders by some Menial Duty and Office. And therefore he produces no Clergy-Men, but under the immediate Title of *Servientes Regis*, and *Ministri Re-*

and Dr. *Brady*.

gi, who, says he, are scatter'd up and down Doomsday Book, and their Employments——In Devonshire, under the Title of *terra Servientium Regis*, are *Willielmus Portar*, *Willielmus Hostarius*, William the Porter, and William the Door-keeper, and under that Title the Priests or Chaplains were comprehended. So in Hantscire, He finds *Waleran* the Huntsman, *William* the Boyer, *Alured* the Priest, and *Durand* the Barber, &c. who must be all Parliament-Men by Mr. Atterbury's Sense of *Doomsday*. Those that pervert a Book, when they have diligently perus'd it, are much to blame. And those who dare pervert it, before they themselves look into it, have a little more to Answer for.

Again
grossly ig-
norant of
Doomsday-
Book.

And yet this most Authentick, and most Ancient Record of the Nation, is again most rudely abus'd by Mr. A. that the Lower and Undignified Clergy held Lands of the King in every Shire by Knights Service, he says *Doomsday Book* shews. And how does he prove that *Doomsday-Book* shews this? He proves it by a Reference or Note in the Margin, p. 35. 4711 *Knights Fees* were vested in *Parochial Churches*, says the Author of *Eulogium*.

And because it is a Great and Noble Authority, (or rather because the only Authority) He has it over again 2 *Edit.* p. 326. under the Title of *Author Eulogii MS. apud Selden Tit. Hon. p. 573.* Among the Thanes and Knights, or those who held by Knights Service. Among these, that several of the Lower Clergy had place, appears from the Survey of *Doomsday*, upon which we are told there were found in England 60215 *Knights*

Fees ; and of these the Religious possessed 28015, the Vills 1080, and Parochial Churches, 4711 How ! Had the Religious so soon got possession of 28015 Knights Fees ? Had they immediately upon the Conquest such a Multitude of Religious Houses in England ; and had they such ample Endowments ? Had these Religious already got near half the Knights Fees of all England ? as he Gravely asserts, p. 327. Why then truly ; there was as much need of a Statute of Mortmain, under Will. Cong. as so many Reigns after under Edw. I. And considering the many New Erections, and Larger Donations, that followed chiefly in the Times of K. Steph. and Hen. II. the Religious had swallowed up the whole Kingdom, before the later Statute of Restraint in the Year 1279. 7 E. I. Alas ! the Computation if it was never strictly made, was made Two hundred Years after the Conquest. And yet Mr. A. most extravagantly carries it back to the very Survey of Dooms-day. And He must needs bring it in to make 4711 Knights of so many Parochial Priests ; and All of them Members of the Great Council or Parliament, because 4711 Knights Fees were then Vested in Parochial Churches. For this extravagant Computation, see Sir H. Spelm. Gloss. verbo Feodum, who says not a word of this, tho' he cites Authors of as wild a Reckoning. Kind Mr. Aterbury will have them All actually Present in these General Assemblies of the States of the Realm, p. 36. But by that time he comes to p. 327. He begins to be conscious, that they were a little too many to appear All together, and therefore he is content now to have them attend as they please, either in Person or by Proxy. There is no

His false
Computa-
tion of
Knights
Fees.

doubt, but the Priests of these (4711) Parochial Churches, as well as the King's Tenents in those Towns and Boroughs, were Present, OR REPRESENTED in his Curia, whenever they Assembled. Such incoherent Notions built upon such impossible Fact, shall no longer detain Me from more useful Matter. But let me first briefly observe, that if all these Stories were true, they are not to the purpose, at which Mr. Atterbury Labours. He would bring the Lower Clergy as Churchmen to Parliament, and as a Spiritual Commonalty, when yet He brings them only as Land-Holders, and in that respect but as Lay-Men.

Mr. A.
very Un-
just to the
Rights of
the Church,
in having
Affairs of
Religion
deter-
min'd in
Civil
Councils.

It is a harder Blow to Religion, that Mr. A. would have all Ecclesiastical Matters determin'd in these Mixt Councils; these full and general Assemblies of all the States of the Realm. At such only, Church Affairs seem to have been transacted, not at his Ordinary Curia, p. 36. So that every Parliament was in course a Synod, or every Synod at best but a Committee of Parliament, not only in the Conqueror's Reign, but till toward the middle of Hen. II. when the Clergy disjoyned themselves from the Laity. No Divine of our Church ever yet chose to make this out for Truth; for if it had been Truth, A Divine would not have been over Eager and Industrious to find it; because the Love of Truth alone (as Mr. A. grants) would not inspire Men with earnest Desires of making out such Truths, as are destructive of the great Interests of their Order. Pref. p. xxxix.

By Collating the History of all our *Saxon Councils*, it is easy to discover, that if the Subjects of any Laws was for the outward Peace, and Temporal Government of the Church; Such Laws were properly ordain'd by the King and his Great Council of Clergy and Laity intermixt, as our Acts of Parliament are still made. But if there was any Doctrine to be Tried, or any Exercise of pure Discipline to be Reform'd, then the Clergy of the *Great Council* departed into a separate *Synod*, and there being the same Men in a different and sole Capacity, they acted as proper Judges within the Power of the Keys. Only when they had thus provided for the state of Religion, they brought their Canons from the *Synod* back again to the *Council* to be Ratified by the King with Advice of his Great Men, and so wisely made the *Constitutions* of the *Church*, to be *Laws* of the *Realm*. I cannot imagine, that the *Saxon National Assemblies* were any more *Mixt Councils*, than our present *English* Parliaments are. *Theirs* had Authority not only in Civil Matters, but in all External Church-Affairs; so have *Ours*. Yet *Theirs* did not meddle with Doctrines or Spiritual Discipline, nor will *Ours*, for all the wise Suggestions that are made to them.

Spiritual
Affairs
were only
transacted
in Church
Synods.

Not in
State
Assemblies

In the
Saxon.

The *Normans Revolution* made indeed no change in this respect. The Conqueror in his Great Councils had his *Spiritual* and his *Temporal Barons*; and they joyntly advis'd Him upon all the Exigencies of preserving the Peace, and advancing the Interest of Church and State. But when Matters arose, that were purely Spiritual,

And in
the *Norman*
Times.

then

then the King allow'd a Legate, or an Archbishop to meet the other Prelates in a distinct Synod, and there to act as the *Church Representative*. That wise Prince let the Clergy thus convene chiefly at the time of his own solemn Courts or Great Councils, that he might be Present in them, and supervise their Proceedings, and more effectually restrain them or confirm them. And yet He sometimes permitted the Archbishop of *Cant.* to Assemble the Greater Clergy of his Province in a Synod, while there was no Civil Council Sitting, and even while He himself was beyond the Seas. So much confidence had He in their Loyalty, and their Peaceable Behaviour.

And in
particular
under
Will. Conq.

Such was the Practice of the Conqueror's Reign. The First Proper Great Council that He had leisure to hold, was with a concurrent Synod at *Winchester* 1070. in the Festival of *Easter*, when there was as much difference between the *Council*, and the *Synod*; as there can be now between a *Parliament* and *Convocation*. For in the Council of King, Lords Spiritual and Temporal, the Statutes or Civil Laws were Enacted, most of them Declaratory of the Common Law, under *Edward the Confessor*, and are the same with *Leges & Consuetudines quas Willielmus Rex concessit universo Populo Angliæ, &c.* publish'd by *Selden, Twissden, Spelman, &c.* This was the Proper Work of the King, and his whole National Council. But then there was other Business of a Canonical and Ecclesiastical Nature, the degrading of some Bishops, and Abbots, as Irregular and Incapable of enjoying their Sees and Churches. If they had

had lain under a *Legal Incapacity*, as refusing to submit to the Civil Government, I presume they had been remov'd or derriv'd by the Civil Legislature : But lying under a *Canonical Incapacity*, they were to be deposed or degraded by a Spiritual Jurisdiction. Accordingly, this Ecclesiastical Cause was determin'd in an Ecclesiastical Assembly concurrent with, but distinct from the Civil Council ; in which *Hermenfred*, with Two assisting Cardinals, presided, and represented the Pope's Spiritual Supremacy, then acknowledg'd in Synods, but would not have been then allow'd in a Great Council.

For the
Deposition
of Bi-
shops.

This was the Ecclesiastical Council which *Mat. Westm.* says, *celebravit tota Ecclesia Anglicana, Rege Procurante*. And therefore the Charge or Articles against Archbishop *Stigand* ran purely upon Canonical Defects and Irregularities : He and his Brother *Agelmar*, Bishop of *Helmham*, with many *Abbots*, had a Canonical Censure : For indeed they had not transgress'd any Laws of the Land, they were *Recti in Curia seu Foro Civili*, they were such *quos nec Concilia nec Leges Seculi damnabant* (*Flor. Wigorn. sub Anno*). Therefore their Punishment was a Synodical Sentence, they were All *Deposui atq; Degradati. ib. & Hen. Hunt*, &c. which I presume is still Law, and will be still Practice. Acts of Parliament will extend to the Civil Incapacity of Bishops, and Priests ; but their Canonical Irregularities, or Breach of the Laws of the Church, shall be censur'd by their Spiritual Governors.

Not for
the Depri-
vation up-
on a Civil
Incapaci-
ty.

It was so again in the next Great Council of the same Year at *Windsor* in *Whitsuntide* 1070. where the Conqueror inclining to have more vacant Sees and Prelacies, for the benefit of his *Norman* Friends ; He would not do this in his extraordinary Court or Parliament, but he permitted the same *Hermenfred* as Papal Legate to hold a *Synod*, coincident with the *Great Council* in Time and Place, but intirely different in Persons and Powers. *Regis jussu predictus Sedunensis Episcopus Armenfridus Synodum tenuit* (Flor. Wigorn.) And in this *Synod*, *Agelric* Bishop of *Seolfsy*, and several Abbots were depos'd. *In qua Synodo Agelricus Suth Saxonum Pontifex non Canonice degradatur. ib.* Not Canonically, *i. e.* by too great a stretch of Ecclesiastical Power, when that good Old Man lay under no strictly Canonical Crime or Incapacity. Which was the reason of his frequent Appeals from that Hard Sentence, tho' it is Observable, He never Appeal'd to the Civil Council or Parliament, but only to Ecclesiastical Judges. As I think in like Cases, Appeals would first lie to the Upper-House of Convocation, as the Judicature of an *English Synod*. Tho' in the Mixt Case, as the Profits are annex'd to the Function, the Barony might still fall under another Consideration, and the Upper-House of Parliament might be the proper Judges.

The next Great Council seems to have been that at *Pedred* in *Christmas* 1071. where there being nothing of Church-Affairs, but a Controversy between *Wulstan* Bishop of *Worcester*, and *Thomas* Archbishop of *York*, about the Temporal

The Right
of Temporal Possessions tried in Parliament.

poral Possessions of the respective Sees. This was properly determin'd in the Great Council, without Occasion for a Synod. *Rad. de Dicer. Abbrev. Chron. &c.*

But in the following Year 1072. there was a Dispute of Primacy and Canonical Subjection between the Archbishops of *Canterbury*, and *York*, and there was an Appeal to be tried about the Uncanonical Deposition of Bishop *Agelric*, and Enquiry to be made into the Ordinations of some other Bishops, and Prelates. These Ecclesiastical Matters therefore were duly referr'd to the two proper Synods, One in *Easter* at *Winchester*, the Other at *Windsor* in *Whitsuntide*, concurrent with the Parliaments at those Times and Places, where the King and Queen were present as *Witnesses*; but *Hubert* the Pope's Legate, and *Lanfranc* Archbishop of *Canterbury*, presided as Judges. And accordingly the Sentence or Decree of the Synod, was attested and confirm'd by the King, and subscrib'd only (besides the King and Queen) by Legate, Archbishops, Bishops, and Abbots, and by not One of the Lay Barons, tho' All then attending upon the concurrent Great Council. (*Will. Malmshur. l. 3. p. 117.*)

The Right
of Eccle-
siastical
Primacy in
Synods.

To omit the other Ecclesiastical Council or Synod in the Year 1074. where *Lanfranc* Archbishop of *Canterbury* attempted to Depose *Wulstan* Bishop of *Worcester*. It is certain, in the next Year 1075. *Lanfranc* Archbishop and Primate conven'd a Synod even independent on a Great Council, in a distinct Place from the King's Court, *St. Paul's* in *London*, and even in the

Lanfranc
held Syn-
ods inde-
pendent
from the
Great
Councils.

the King's Absence beyond the Seas, *Jubente atque eidem Concilio Presidente Lanfranco*, as in a very ancient Exemplification of the very Acts of this Synod, which Acts or Decrees in Spiritual Affairs are subscrib'd only by Church-Men. (*Reg. Eccl. Cant. MS. penes Episc. Norwic. f. 241.*)

In the following Year 1076. another Synod was conven'd at *Winchester* upon the Calends of *April*, by the Authority and under the Presidency of *AB. Lanfranc*; in which the long depending Appeal of Bishop *Agelric* or *Ailric* was determin'd, and several Canons made to restrain the Marriage of the Clergy. As appears by the Abridgment of those Decrees in *MS. Bibl. Coll. Benedikt. Cantab. notat. C. pag. 299.*

And so through the whole Reign of *Wil. Conq.* the true Ecclesiastical Causes were alway debated and concluded in proper Ecclesiastical Synods, either concurrent with Great Councils, or abstracted from them, as extraordinary Occasions did require.

It is true King *William I.* understood his Prerogative so well, that he would suffer no Synods to be held without his Royal Consent, nor would he let his People admit of any Canons, without his Royal Confirmation, (*Eadmer. Hist. Nov. l. 1.*) But yet among all the Efforts of his victorious Power, he never did pretend, that He and his mixt Council were in themselves a sufficient Synod, nor did He make his *Secular Laws* to be in Conscience equivalent

Yet no
Synods
without
the King's
Consent,
nor Canons
without
his Con-
firmation.

to *Church Canons* : And therefore it is by no means Ingenuous in Mr. *Atterbury*, roundly to assert, that Church-Affairs were then transacted in Great mixt Councils, or State-Assemblies. This Doctrine has been formerly an Artifice of designing Men: But it was never countenanc'd by Men of Holy Orders, nor by any other Advocates for the *Church of England*.

Yet Mr. *A.* would carry on the Precedent beyond the Conqueror's Days, that it may seem an establish'd Custom, not an arbitrary Act. *How long* (says he) *the Saxon manner of mix'd Councils continu'd, is not easy to say. However that for several Reigns after the Conquest it obtain'd, is certain.* It is not indeed easy to say, what never was in the Volumes of our Historians, nor in the very Nature of our Government. So far from obtaining for several Reigns after the Conquest, that it never obtain'd in any one Reign. Under *Will. I.* I have already shew'd it was otherwise. Under *Will. II.* if the mixt Council could have transacted Church-Affairs, why need *Anselm* have been griev'd, that he could have no Synods? Under *Hen. I.* why did the same Archbishop restore the use of Synods, and impute so many Evils to the long intermission of them? Under King *Steph.* why so many Ecclesiastical Councils held by Foreign and Domestick Legates, who insolently dar'd to call the King himself to their Church-Tribunal at *Winchester*, 1139? Under *Hen. II.* why so very many Synodical Assemblies of the Clergy, of a separate Time and Place and Power from the mixt Councils? And this before the middle of his Reign, toward which Mr. *A.* fixes the Disjunction.

Mixt Councils were never such as Mr. *A.* does represent them.

It is probable (says he) that the Disuse of it, (i. e. the manner of mixt Councils) might begin toward the middle of Hen. II. when the Clergy, we are told, disjoined themselves from the Laity in every respect, and set up to be Independent. But can Mr. A. be in earnest with his guess at a Probability, when it is but so unlikely, as to be absolutely Impossible. Can any one imagine, that the Clergy should disjoin themselves from the Laity in mixt Councils, and so purposely exclude themselves and their Successors from the Legislative Body of the Nation? If it had been for no other Reason, than as Mr. A. pretends, for the Clergy setting up to be Independent, would the King and Barons suffer such an Independence to be set up, by the changing and in effect dissolving the old Constitution? If they resolv'd then to disjoin themselves from the Laity in Great Councils; why did not the Bishops and Abbots disjoin, as well as the Inferior Clergy? But if it were feasible, how comes such a mighty change in the Fundamental Constitution of England, without any one Historian taking the least Notice of it? Or how comes the very Tradition to have been lost so soon as the Reign of King John? When neither the King claim'd the Attendance of the Inferior Prelates, for such plausible Reason, that they had been but lately disjoin'd: Nor did those Prelates, unwilling to appear, excuse themselves upon the Plea of such an Avow'd Disjunction. And again under Edw. I. when that potent Prince had so much difficulty to bring the Lower Clergy to Parliament; how comes it to pass, that his wise and learned Coun-

The Clergy never so disjoin'd from the Laity, as Mr. A. fancies.

Council never urg'd a Precedent of *Hen. II.*'s Reign? And how come the Clergy not to say, That from that time they ought to be Independent. Alas! Bold Men may Prophesie of future Times, and be safe till the Event confutes them: But for Men to invent Stories of preceding Ages can impose upon none, but such Readers, as know no more of what is *Past*, than of what is *to Come*. It is impossible for a Man of any Conversation with our *English* Historians to believe, that such a *Disjunction* was made, and such an *Independence* set up, toward the Middle of *Hen. II.* when there is no *Sense* in it, and no *Authority* for it.

Nay, but Mr. *Atterbury* says, *We are told so, Post Turonense Concilium (1163) cum omnibus pene in rebus Clerus se a Populo disjunxisset.* (*Antiq. Britann.* p. 131). Surely Mr. *A.* would not humbly cite a Modern Writer, if he could have pick'd up the least intimation of such a Matter in any One Ancient Author. But did that Modern Writer mean those Words in the Sense for which Mr. *A.* does alledge 'em? Not at all! He applies them to an Affectation of the Clergy in opposing the Crown, and refusing to be tried for Civil Crimes, by the Civil Powers. And for this unconscionable Exemption, the Council of *Tours* gave them some Encouragement. But who can suppose, that a Council in *France* New-model'd an *English Parliament*, and Impower'd the Clergy in spite of King and People, to alter the Constitution of it. He that can say this, or believe this, is fit for any Cause, or for any Communion.

He perverts the Sense of the Author of *Antiq. Britann.*

A meer
Artifice
of Mr. A.

Like that
in the
Roman
Church.

And therefore our Author and Inventer goes bravely on; *And this Division of the Spirituality from the Temporality, which began in Hen. II. Time, took Root under his Successors, and was settled more and more by the Absence of Richard I. in the Holy Land, by King John's Weak, and H. III. Troubled Reign.* Stories are seldom rais'd without Design. The Design of Mr. A. is this; He aims at proving, that the Lower Clergy had a Right to Parliamentary Attendance, before they were expressly summon'd by Ed. I. He found the contrary was very apparent, from the middle of *Hen. II.* through all the Reigns of *Rich. II. K. John,* and *Hen. III.* where Writers and Records begin to be Plain. For this reason Mr. A. cunningly makes the Lower Clergy a Part of the *Mixt Councils*, through all the obscurer Times of the *Saxons*, and of our First *Norman* Princes. But when the Light of History does fly in his Face, about the Middle of *Hen. II.* There He is forc'd to drop the Lower Clergy, and so he makes them *then* disjoyn themselves, and divide from the other Parliamentary Body of the Nation. And upon this pretty Scheme, when the Inferior Clergy came to be call'd by the Writs of Ed. I. to Parliament, It shall be no *New Privilege* (for Privilege Mr. A. takes it, tho' the King did not so mean it, nor the Clergy so accept it) no *New Privilege* conferr'd upon them, but an Antecedent Right now justly restor'd to them. Just thus have some Bigots of the *Roman Church* defended their vain Traditions. When they have been sensible, that in such and such an Age the Current of Authorities run directly another way.

Why

Why then to Salve their Old Tradition, they pretend it was clear and visible in some preceding Age ; but then it run under Ground for many Years, and broke forth again in such a latter Period ; broke forth not as a New *Fountain*, but as a continued *Stream*, tho' so long Subterraneous. This indeed suits well enough with other Pious Frauds : But if we Protestants smile at the *Wit*, we can never defend the Honesty of it.

Mr. *A.* proves his *Tradition* by Instances that betray the *Blindness* of it. Now therefore (says He, p. 37.) *The Clergy seem to have declin'd Obedience to the Lay-Summons, except such of them only as were oblig'd to attend the Great Councils of the Realm, by their Offices or their Tenures.* Why yes, the wise and honest Clergy were not then Ambitious to come to the *Great Councils*, unless they were oblig'd to come ; And None pull'd the *Obligations* upon their own Heads ; All that were oblig'd to come, were so oblig'd by their Dignity, or by their Estate. And therefore the Clergy under Barons and Prime Officers of State, did more than *seem to decline Obedience* to the Lay-Summons unto Parliament : They openly declin'd it, they profestly refus'd it. For they perceiv'd it was a new Burden attempted to be thrown upon them ; and were sensible, they should get nothing by it, but the Expence of their Money. And therefore when the Inferior Religious Prelates, or such Abbots and Priors as did not hold by Barony, were summon'd upon the Money-Occasions in 6 *John*, they were so far from thinking themselves restor'd to any Privilege, or invested with any new Advan-

The Instances as false as the Tradition is blind.

vantgae, that (as Mr. *A.* himself thinks) they would not have come upon the King's Summons, without the Bishop's Citation. And when they did come, they would not give their Money in Parliament, for fear of such future Attendance, the King could only force them to promise, before he dismiss them, that they would assist him at some other time in some other way. The Laity gave a scutage of Two Marks and a half, *Nec Ecclesiastica Persona sine promissione recesserunt.* (Mat. Par. & Westm.) And again in 49 *H. 3.* Mr. *A.* says, *when every Abbot had a distinct Writ, they are said to have been Voluntary Summoniti, i. e. by their own Consent, not as of Right, or as owing the Crown such Service.* And so we shall find again, when the Inferior Secular Clergy came to be likewise Summon'd to Parliament by *Ed. 1.* They made the same struggle and resistance, as the Inferior Religious had before done. For in all those days they saw the Meaning of it; Not a Complement from the Civil Powers, not a Plea of the Clergy for the Rights and Privileges of their own Order; but in very Truth, an Imposition upon their Liberty and Property; as perhaps Wise Men suspect, it would again be.

Mistaken
in the
Dispute
between
the Arch-
bishop of
Cant. and
York.

Mr. *Atterbury* has found out, that to this *Recess* a way had been before opened by the Dispute between the Two Metropolitans, &c. *ib.* p. 37. Alas, that Dispute could have no more effect upon the *Recess* under *Hen. II.* than it had upon the Reformation under *Hen. VIII.* Only Mr. *A.* gives a false Account of this Dispute, and makes the Subjection of the See of *York* to that of *Canterbury*, to have been a matter of Right, which was

was only a matter of *Innovation*. And He represents the See of York made *independent* only by the favour of the Pope breaking in upon the Rule of Subjection ; when in Truth it was the Recovery of an *Anti-Norman* Metropolitcal Right, that had been only encroacht upon by *Lanfranc*, under the Cover of a Newly assumed *Primacy*. His Grace the Archbishop of York has little reason to thank Him for this diminution of his Predecessors Rights. But to beg pardon for Mr. A. I believe He meant no great Prejudice to One Province, nor Partial favour to the *Other*.

Mr. A. is still resolv'd to have the Clergy attend upon the Parliament, when he owns they were *disjoyn'd* from the Parliament ; *i. e.* in his Courtesy, He would have them a waiting *Shadow*, tho' they were divided from the *Body*. Still *their ordinary way of attending the Parliament was not in One National Council, but in Two separate Assemblies of the Province.* p. 38. Indeed the Clergy (yet of them the Prelates only) of each Province did appear in separate Assemblies, or Provincial Councils, as often as each Metropolitan thought proper for the Interest and Occasions of the Church. But this was no *Ordinary way of attending the Parliament*, but in their own *ordinary way* of holding Ecclesiastical Synods ; which Synods could not be held *in time* of Parliament, and seldom near it. Yet Mr. A. says, *This is manifest from the Constitution of Reading formerly cited* : Yes, and formerly confuted. There is no such Sense in that Constitution ; Nay, there was no such Constitution in the Council of *Reading*. And yet here again the

Provincial Councils did not attend the Parliaments, as Mr. A. talks.

Synods did
not meet
a-course
with Par-
liaments.

Wise Man Builds upon the No-foundation of it. Here (says He) we see the Provincial Synods of the Clergy (for the Council of Reading was such) are spoken of in the 7th Year of Ed. I. as meeting a course together with the Parliament. Did this Council of Reading it self meet a-course with the Parliament? No! The Council met at Reading on July 29th 1279. The Parliament not till Michaelmas following at Westminster. But did not a Provincial Synod meet a course with that Parliament at Michaelmas 1279? No; it was already decreed in the Council of Reading, that the next Provincial Synod should not be till after Christmas. Well! and when that Provincial Synod met after Christmas, did it not then meet with a Parliament? No! the King kept his Christmas at Winchester, and from thence on Jan. 6. he dated his Letters of Prohibition, and sent his Proctors or Commissioners (tho' Lay-Men) to the Archbishop, Bishops, and Prelates (no Lower Clergy) to meet in the said Synod at London, on Jan. 21. 1279. (Pat. 8. E. 1. m. 25.) And the Day after the date of two several Writs, one of Commission, the other of a more threatening Inhibition, He went to hunt in New Forest, (Annal. Waverl.) and return'd again to his Castle at Winchester, where he made a considerable stay. Well, but suppose the next Provincial Synod after this in January, did not this happen with the Parliament? It might have so hapned, and yet not have been so a-course: But unluckily it hapned otherwise. For another Provincial Synod was held at Lambeth, Octob. 7. 1280. And the Parliament was not held till near a Month after, on Novemb. 1.

at *London*, (*Compilatio Petri de Ickham. MS*) And even so in many Years before and after the *Reading Council*. While the Lower Clergy were not yet call'd to Parliament; the Provincial Synods were held out of Parliament-time, as it was most convenient they should. And when the Lower Clergy were by degrees brought to a Parliamentary Attendance, yet the true Provincial Synods were held at other Times and Places. After the very first Parliamentary Call of the Clergy to *Northampton* upon *January 21*, 1283. The next Provincial Synod was in the *New Temple* at *London* after *Easter* 1283. and at least another at the same Place after *Michaelmas*; with no Parliament in time of either. And so continually in this Reign, the Members, the Business, and all the other nature of Provincial Synods made them so far from being dependent on, or concurrent with, a Parliament, that they were rather inconsistent with it.

Mr. *A.* has his Occasions to serve by this Notion of *Provincial Synods of the Clergy meeting a course together with the Parliament*. But as to the manifest Proof that he boasts of, in and about the Council of *Reading*, he is as much out, as ever Man was. He must either know not much, or mean not well, in such positive Assertions, that are so far from being of Necessity true, that no one Instance will by Accident prove true. And yet he goes off in usual Triumph. And we may be sure therefore, that the Custom was of *Elder Date*, tho' when it arose cannot be precisely determined. If there was no such Custom before or in the Age he speaks of,

Makes a
Custom of
Elder date
when
there was
no such
Custom at
all.

it is a little too Nice to be concerned for the date of it. The Custom was long after, as I shall find opportunity to tell him, when it began, and how it proceeded. This is just another Art of the Ignorant Religion; the *Roman* Priests vindicate a false Doctrine upon this very Topick. We find it so and so at such a time, and we are sure therefore it was of *elder Date*, tho' *when it arose we cannot precisely determine*. But the Men of Learning in our Church have expos'd this Deceit upon the World, and have accurately shewn *when* and upon what Occasion most of their Fables did arise: And if they cannot precisely determine the time, they rather infer, it must be after such a time. I am certain, a Man of moderate Reading in our English History can point to the very Year when Provincial Convocations did first meet with a Parliament: And how long those Provincial Convocations were for meer State-purposes, and exercis'd only pure Civil Rights: And then again when and how those Convocations concurrent with or assembled near a Parliament, did by degrees come to Act as Provincial Synods for Affairs of the Church, and not only as Parliamentary Assemblies for Property and Secular Right. Then farther, how they submitted not to act any longer as a Synod, without the King's License. And Lastly, how they receded from their greatest Civil Right, that of giving their own Mony. And how casting themselves upon the Conscience of the *King* in one Respect, and upon *that* of the *House of Commons* in the other. They are not yet for challenging or re-assuming their old Right of making Canons, and

and of giving Taxes. Because they have not yet found themselves oppress'd by any want of Royal License, nor by any distinguishing Burden in the Mony-Bills. And therefore trusting in the Honour and Wisdom of the Government, they know it *their Duty* to preserve the Peace, and as much as in them lies, to promote the Prosperity of it.

I perceive, that I cannot attend Mr. *Atterbury* through all the involv'd and perplexed parts of this Chapter. I shall only set right the Occasion and the Meaning of the *Præmunientes* Clause, and so at present take my leave of him. Mr. *A.* begins the History of it in these Words. *But this wise and high-spirited Prince finding the Clergy thus divided from the Laity, and from one another, hard to be dealt with, resolv'd to restore the old Practise, and to bring them Nationally to Parliament, which he did by inserting into the Bishop's Writ that Clause which begins with the word Præmunientes.* This Clause is the Foundation of the Parliamentary Attendance of the Clergy, and therefore Mr. *A.* should have labour'd to give a clear Account of it, *i. e.* an Account different from what he here gives.

History
of the
Præmunientes Clause

King *Edward I.* was indeed a *wise and high-spirited Prince*. In the height of Popery, he would not bend his Prerogative to an aspiring Clergy: He was so far from bearing with the Insolence of any one Inferior Priest or Monk; that when the Primate of all *England* and Legat-born assum'd more Power than the Laws of the Kingdom would allow, he brought him to a Submission more publick than his Offence.

Character
of *K. Ed. 1.*

When

When Archbishop *Peckham*, at the Head of a Provincial Synod, pronounc'd some Sentences and fram'd some *Constitutions* prejudicial to the Rights of the Crown, that *wise and high-spirited Prince* made him solemnly renounce them in Parliament, and had an Act or Instrument of the Submission and Retraction drawn up and publish'd, that may be read in *Riley Placit. Parl.* p. 442. and *Brady Contin. Append.* pag. 33.

He did
not find
the Clergy
so divided
from the
Laity.

However King *Edward I.* did not find the Clergy so much divided from the Laity, and from one another, as some less Politician would now have them. They were not then divided from the Laity in respect of Parliaments, as Mr. *A.* means; the Lay-Barons and the Spiritual Barons were united in their equal Attendance in the Great Councils of the Realm. And even the Lay-Commons and Spiritual Commons were not disjoin'd in this respect. For before this time, they both made their voluntary Appearance, but had neither of them any regular constant Summons. It was this wise Prince who brought the Lower Laity as well as the Lower Clergy to be call'd by continued Writs to Parliament; and that by even Steps and Measures. The Lower Laity were sometimes allow'd to meet in every County before the King's Commissioners, to agree upon their proportion of Aid and Subsidy: And all that time the Lower Clergy were so allow'd to meet together in every Diocese, or in every Archdeaconry, to take their like share in relieving the publick Necessities, as in the first ten Years of *Edw. I.* (*Chron. Wikes, &c.*) Then the Lay-Com-

Commons were call'd in a fuller Body together in each of the Provinces of *Cant.* and *York* : And the Clergy-Commons were then likewise call'd to the same Provincial sort of Parliaments, as in 11 *Ed. 1.* (*Rot. Wall. 11 E. 1. m. 4. dorso.*) Then two Knights at least for each County without Citizens or Burgeses to a National Parliament, (*Claus. 22. E. 1. m. 6. dorso.*) And upon this two Proctors of the Clergy for each Diocese, without any Proctors for the Capitular Bodies, as in Mr. *A.*'s own *Append. p. 565.* And lastly, in a more full ample manner, Knights, Citizens, and Burgeses were jointly call'd in 23 *E. 1.* And then first came in the *Præmunientes* Clause for the more full appearance of the Clergy, as well Priors, Deans, and their Capitular Proctors, as Archdeacons and Proctors for the Diocesan-Clergy, (*Claus. 23 E. 1. m. 3. dorso.*) Mr. *Atterbury* runs a mistaken Parailel between the Numbers and the Powers, &c. of the Lower Laity and Clergy in Parliament, *p. 39, &c.* But he never owns this nearer Correspondence of being brought duly to Parliament, at the same time, in much the same manner, and for most of the same Purposes. If Mr. *A.* does not know this, it is because he does not know the Records that prove it. If he conceals his knowledge of it, it is because the World should not understand it. For they would then understand, that the Clergy when Nationally or Provincially call'd to Parliament, were not by that means call'd to a National or Provincial Synod, but to a State-Assembly. Not call'd to represent the Church as a Christian Society, but the Church-Men as English Subjects. Not

Lower Clergy and Lower Laity brought to Parliament for the same Ends, and in much the same manner.

call'd

Mr. A.
mistaken
in the de-
sign of the
Premuni-
entes.

call'd to declare Doctrines and settle Discipline, or do any other Acts of Ecclesiastical Jurisdiction; but upon the pure political Reasons of assisting the Government with their Property and Possessions. The first Parliamentary Conventions of the Clergy were no more an Ecclesiastical Synod, than the House of Commons now is so. And yet upon this Supposition absolutely false, Mr. A. has grounded all this second Chapter, which he began upon this Principle, That *a Synod of the Province of Canterbury, as attendam upon a Parliament of England, is so as the Matter at present stands, and has stood for 400 years and upwards, to speak at the lowest.* So as he makes the *Premunientes*, when first inserted, to call the Clergy to a Synod, as well as to a Parliament. And he makes the Clergy so summon'd to act Synodically, as well as Parliamentarily. All as contrary to the plainest Truth of *History*, and as repugnant to the Spiritual Rights of the *Church*, as the greatest Enemy to *Both* could possibly have invented. What need Mr. A. complain, that *K. Edw. 1.* found the Clergy divided from the *Laity*. I think it more for the Honour of God and the Church to speak *Truth*; In Matters of Civil Right and Property, attending upon Parliaments, and bearing no Imposition without consent; the Clergy and *Laity* were not at all divided; they had the common Interest of *English Men*, and were at first call'd to Parliament with Writs and Powers of pretty equal extent. In the beginning at least, *their Priviledges ran even, or however were not far asunder*, as Mr. A. applies to somewhat later Times, when there was indeed a greater *Distance* between them.

Mr.

Mr. *A.* had as little reason to say, that *K. Ed. I.* found the *Clergy divided from One Another.* If Mr. *A.* means, that he found the Upper Clergy *in* Parliament, and Lower *out* of it; He would have found the same, if he had succeeded any other Ancestor, besides his own Father. If he means the Clergy were by any Faction *divided from One Another*, He does abuse them, they were not so. They knew their Duty and their Interest to be Unity and Brotherly Love. They kept up a right Understanding in their respective Stations and Degrees. The Metropolitan's advis'd Amicably with their Suffragan Bishops. The Bishops paid all due respect to the Judgment, and the Example of their Metropolitan. And as to the Lower Clergy, *They* were much govern'd by the Wisdom of their Superiors, and never publicly reflected on their Persons or their Proceedings. To tell another honest Truth. *K. Ed. I.* did not find the *Clergy divided*, before He was to bring them to Parliament, but He helpt to divide them upon that very Practice. Before a *Præmunientes* was executed, the Clergy were in Peace and good Order. But immediately upon this Parliamentary Summons, they were discontented with the King; They were froward with the Archbishop, and jealous of One Another. The Archbishop was involv'd in the most difficult Trouble; the several Bishops tooke their own way: Some adher'd to the Pope, and some submitted to the King. And so with the Parochial Clergy; Some were High for the Liberties of Holy Church; and Others considered the Peace of the Nation.

K. Ed. I. did not find the Clergy divided from One Another.

The *Præmunientes* first divided the Clergy.

Some

Some would purchase the Royal Letters of Protection, and Others obstinately refus'd them. If to renew the Execution of a *Premunientes*, should occasion as many Struggles and Divisions, as the First Use : Then Mr. *Atterbury's* Quotation in his Title Page from *Ruffinus*, *Facies Ecclesie fœdat & admodum turpis erat*, which he unjustly applies to the present Age, would really belong to it.

It is as rash in Mr. *A.* to affirm, that King *Ed. I.* by the *Premunientes* Clause resolv'd to restore the Old Practice. Alas ! if there had been any Old Practice like it, the King would have justify'd his Power by some Precedent of it. Nay, and the Clergy would have acquiesc'd in being dealt with as their Forefathers were. But indeed the Practice, in the Apprehension of that Age, was a Novelty and Surprize, that startled the Church-Men, and made them first decline it, as an unwonted Burden ; and then attempt to throw it off as (in *their* Thoughts at least) an Arbitrary Innovation.

The *Premunientes* did not restore an Old Practice.

But was thought an Innovation.

Nor did *K. Edward* resolve at first to bring the Clergy Nationally to Parliament, as Mr. *A.* pretends. For he first tried to bring them Provincially, before He attempted their National Attendance. The First Summons I meet with of the Inferior Clergy to a Parliament, was by Writ of this Victorious Prince, Dated 11 November 1282. 11 *Ed. I.* directed to the Archbishop of *Cant.* to oblige the Clergy not only of his Diocese, but of his whole Province, to come to a Parliament at *Northampton* in the Octaves of *Hillary* following. And at the same time

He sent a Writ of like Nature to the Archbishop of *York*, to make the Suffragans and Clergy of his Province to come to a like Parliamentary Meeting of Laity and Clergy before the King or his Commissioners at *York* in the same Octaves of Hillary. The First of these Provincial Writs to the Archbishop of *Cant.* is publish'd, with some few Mistakes by Mr. *Atterbury* in his *Appendix*. p. 560. But he has not took Notice of the Other directed to the Archbishop of *York*, tho' he found a reference to it in the same place of *Pryn. Eccles. Jurisdict.* tom. 3. p. 302. and might have seen it expressly in *Rot. Wall.* 11 E. 1. m. 4. *Dorso*. But if He had mention'd Both, He could not have impos'd such a Comment on them, as he is pleas'd to make, p. 230. where he owns the Diocesan Clergy did not meet in the Province of *Cant.* and yet asserts they did meet in the Province of *York*, when yet they were equally not call'd, and did equally not appear: The Persons call'd were only Abbots, Priors, and Governors of all Religious Houses, with Proctors for the Chapters of Cathedral and Conventual Churches; and it is not to be found that Any more appear'd. Mr. *A.* may perhaps imagine, that *tota Communitas Cleri Provinciae ejusdem. i. e.* Ebor. may signify the Diocesan Clergy; but it seems the Phrases of that Age are not alway understood in *this*. But I mean only to observe, that K. *Ed. 1.* call'd a great part of the Lower Clergy to Parliament *Provincially*, before he call'd them *Nationally*: And that two *Provincial Writs* were a Practice, even before the *Diocesan Premunition*. And indeed these *Two* were mutually contriv'd to support and execute One Another; these *Provin-*

First *Pro-*
vincially
before he
did it *Na-*
tionally.

cial

cial Writs Alone would not fully do, and therefore to enforce the design of them, the King afterwards inserted a *Præmunientes Clause* to every Bishop, for fear they should evade their Metropolitan's Authority. As again, the *Præmunientes* to each Bishop might have been less effectual, unless fortified with two Concomitant Provincial Writs, to make the Archbishop oblige their Com-provincial Bishops, as well as the Bishops to oblige their Diocesan Clergy. Mr. *A.* must needs have seen enough to set this Matter Right, if it had not been the Interest of his Cause to conceal it. For if People should know it, they must be then sensible, that the *Præmunientes Clause*, and the *Provincial Writs* too, were *Both* to *One* purpose, *that* of bringing the Clergy to a Civil Council, for Civil Consults and Consent in Temporals, not at all to bring them to a Synod for Church-Affairs, or Spiritual Debates. How many honest Readers has Mr. *A.* made believe, that the *Præmunientes* to every Bishop of the Nation did call up a National Synod of the Clergy: And that the Provincial Writs did afterwards Assemble Two Provincial Synods; when yet this is All Force and Fiction? The *Præmunientes Clause*, and the Provincial Writs were but the two mutually assisting methods of bringing the Clergy more fully and effectually to Parliament, to give the King what Aid He wanted, and so to petition for what Redress they wanted themselves. This One Truth well considered in the Reasons and Consequences of it does destroy the whole Scheme of Mr. *Atterbury*, who is continually making all Parliamentary Convocations to be Ecclesiastical Synods, when their

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The *Præmunientes Clause*, and the *Provincial Writs*, were to Answer the same End, and to assist One Another.

Institution, Summons, Powers, Actions, Time, place, and Dissolution, were for near two hundred years, entirely different.

Mr. *A.* that writes a Book of Bulk on the *Præmunientes*, does not know when it began. In this Chapter, he will not so much as guess at the Year, tho' very much depends on the Rise and Occasion of it. By his Arguing I am sure it would never have *Began*: For were his Assertion true, That *Provincial Synods of the Clergy did meet acourse together with the Parliament in 7 Ed. 1. and that by a Custom of elder date, p. 38.* Then there had been no Reason for King *Edw. 1.* to disoblige the Clergy, by forcing them to a Parliamentary Attendance, when he found them there *acourse*. So as Mr. *A.* may justly wave the beginning of the *Præmunientes*, because by his supposing, there would have been no Occasion to *Begin* it. Yet in his V. Chapter he offers at the time, and with Assurance mistakes it. *At what time precisely this Method (i. e. of a Premunitory Clause inserted in the Writ to every Bishop) was first set on foot, I cannot be positive: But sure I am, that a Year before 23 Edw. 1. (the common Era of Præmunientes) it was practis'd, p. 232.* So as Mr. *A.* is sure, it was a Practice in 22 *Edw. 1.* and implies, tho' he dare not be positive, that it was set on foot before. Yet in my Opinion, he had better have been content with the common *Era*, than to move the Marks of Time out of their proper Place. He pretends to prove it by a Writ of *Edw. 1.* dated at *Portsmouth, 19 Aug. Regn. 22. 1294.* which he puts into his *Appendix, p. 565.* But can Mr. *A.* be

Mr. *A.* mistakes in the very time of the *Præmunientes*.

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grave, when he cites this for a Precedent of the *Pramunientes*? Does not he himself own, that the Warning-Clause differs, beginning with the Word *Vocantes* instead of *Pramunientes*? Tho' alas the Word *Vocantes* does not relate to a Call to Parliament, but it is *Vocantes prius*, to call the Archdeacon and Clergy first to a Diocesan Meeting, and there to agree upon Representatives to give their Mony in Parliament: Yet Mr. *A.* himself again owns, That the *Parliament* is not mention'd throughout the *Summons*. And therefore for a gentle *Salvo*, in the running Title to this Second Edition, he says, It was a *Clause equivalent to the Præmunientes*. Nay, but it was not Equivalent; for it was not to Cite the Archdeacon and Clergy immediately to Parliament, but first to a Country-Chapter or Diocesan Assembly. Nor was it to Cite the Clergy of the Diocese, or the Archdeacon, but a Proctor for the Capitular Body of *Christ-Church* in *Cant.* Nor was it to Cite the Clergy Nationally; but one Province only. For the Clergy of *York* Province (if present says Mr. *A.*) were not present in this Parliament at *Westminster*, *Sept. 21.* but within a Week after had Letters sent them to *York*, to meet there in a Provincial Convocation, and give their Mony, as their Brethren of the other Province had already done. The Date of the *Pramunientes* must stand, where plain History has fix'd it, in *23 Ed. 1. 30. Sept. 1295.* And then indeed begins the first *Procuratorium*, that from *Thomas* Prior and the Chapter of *Bath*, dated on the *Wednesday* before *St. Martin's*, for the Parliament to meet the *Sunday* after that Feast of *Novemb. 11.*

1295.

1295. the first *Procuratorium* that Mr. A. presents us with, is but the second to another Parliament at the *Sunday* before St. Andrew, not the *Sunday* after, as Mr. A. makes it. They were two several Calls to Parliament; and there are two distinct Procuratorial Instruments to each of them, as may be seen in the old Register of *Bath*, supposed to be lost, but safely repositied in *Lincolns-Inn*; for which Notice, and for some Transcripts from it, I would be more thankful (if his Modesty allow'd it) to an excellent Antiquary, and my very worthy Friend.

Mr. Atterbury is again confident, that the *Præmunientes*, after it was once introduc'd, was constantly practis'd; and that the *Clergy* duly obey'd such *Parliamentary Summons* under *Edw. I.* who throughout all his *Reign* kept the *Ground* which he had thus gain'd upon the *Clergy*, against all their *Opposition*. It is true, this bringing the *Lower Clergy* to attend the *Parliament* was a sort of *Military Force* upon them; and they would never have yielded, if they had not been in a manner conquer'd and subdued by an irresistible Power. Yet to do Justice to that Prince's Clemency, as well as to his high Spirit, he did not pursue his Conquests upon the *Clergy* to that absolute Subjection, as Mr. A. does represent it. No! In the very next Year, the King gave *Ground* a little. For when he was to cite the *Clergy* to another Parliament at *St. Edmundsbury* on *Novemb. 2. 1296.* he sends his *Writ of Summons* to the *Archbishop of Canterbury*, dated *26 Aug. Regn. 24.* with a *Præmunientes* Clause, but in a softer man-

Mr. A. is mistaken in asserting that the *Præmunientes* was constantly practis'd.

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ner, He enjoins the Archbishop to call the Clergy thither in a full Assembly, without any reference to a concurrent Parliament; to treat with the Archbishop only; not with the King, and Peers, and other Inhabitants of the Kingdom, as in the former Writ; and only to Ordain about the Portion of their Subsidy, not *ad tractandum, ordinandum, & faciendum Nobiscum*, &c. as before. That this Palliation might humour the Clergy, and make their full Meeting seem to be, not a Parliamentary Attendance, but an Ecclesiastical Congregation, (*Clansf. 24. E. 1. m. 7. dorf.*) And when the Clergy would not here answer the King's Occasions, that wise Prince, to bring them over, gave a little further Ground. He allow'd them to hold another Congregation, not by his *Pramunientes*, but by the Archbishop's sole Authority; not at any Place or Time of Parliament, but by the Archbishop's appointment at St. Paul's in London, on Jan. 14. 1296. by the Metropolitan's Writ (without reciting or intimating any Writ from the King) to the Bishop of London, dated 5 Cal. Decemb. 1296. (*Reg. Winchelsea, f. 205*) And here upon citing a Constitution of Pope Boniface of most impudent Injustice to every Civil Government, the Clergy still refus'd to assist the King, and so were justly put out of his Protection in February following, (*Annal. Wigorn. &c.*) So as in the same Month, the King calling a great Council at Sarum on St. Matthias Day, it was *Excluso Clero*, of which the least Sense is, No Clergy were premonished to appear. Yet a Convocation of the Clergy was still left to the Archbishop's discretion, who (without any Royal Command)

mand assembled it in *St. Paul's Church, London*, upon *Mid-Lent Sunday*, the day before *Lady-day*, 1297. where the Archbishop produc'd a most insufferable Bull, that he himself had procur'd to defy the King, *dat. 6 Cal. Mart. Pont. 2. i. e. Feb. 25, 1297.* (*Hen. Knyghton, col. 2490.*) But all the Suffragan Bishops (except of *Lincoln*) and most of the *Clergy*, deserted the Archbishop in his unnatural Adherence to the Pope against the King, and left him to suffer, for what Mr. *A.* should have call'd his *Outlandish Politicks*. When at the Request of the more dutiful Provincial Prelates, the King was reconcil'd to the Archbishop; and receiving him into favour, restor'd his *Temporalities*, *July 11, 1297.* (*Claus. 25. E. 1. m. 21.*) Yet the King in tenderness to the *Clergy* put no *Præmunientes* upon them all this Year; but sent his Summons only to the Archbishop, Bishops, Abbots, and Priors, to meet at *London*, on *Sept. 30. 1297.* (*Claus. 25. E. 1. m. 6. dors.*) without the Inferior *Clergy*, who were call'd to Convocations for the Matter of Aid and Benevolence, by the Archbishop's Letters only, at the *New Temple*, on *Aug. 10, 1297.* at the same place, *Novemb. 20. 1297.* and there again a third time on *March 24.* the last day of that Year, by our Church's Computation. (*Reg. Winchelse.*) In the Year following 1298. the King had urgent Occasions for Supply, and had a great Mind to have a National Meeting of the *Clergy* with his Parliament: But He gave Ground again, and forbore to issue out any Writs with the *Præmunientes*; He only talkt over the Reason of the thing with the Archbishop in Council

at St. *Alban's*, and prevail'd with him to Summon a Convocation of his Province ; which the Archbishop did by his own immediate Letters Dated 2 *Cal. May* 1298. to Assemble in the Temple at *London*, on *June* 25. At the beginning of next Year, 1299. there was a Call of a New Parliament, but the Clause *Præmunientes* was again favourably omitted, the Archbishops, Bishops, and Abbots, were only summon'd without any Priors or other Ecclesiastical Persons, says *Prynne*, when He has produc'd the Writ, *Dat. 10. Apr. Regn. 27.* to meet at *Westm.* in the *Quindene* of *Easter* following. (*Pryn. Parl. Writ. Vol. 1. p. 10.*) The only Meeting of the Clergy we find in this Year, was that at the New Temple, *London*, at the beginning of *Novemb.* conven'd by the pure Authority of the Archbishop, in Letters Dated 7 *Cal. Octob.* 1299. (*Reg. Winchelse f. 131.*) To which Assembly the King sent his Letters of Prohibition *Dat. 30. Octob. Regn. 27.* which he would not have done, if it had been a Parliamentary Meeting (*Pat. 27. Ed. 1. m. 4.*) So as when this Project began in 1295. the second *Præmunientes* in 1296. was made smoother and lighter than the *First*: And after this *Second*, we have found no other for above Three Years, tho' there were many intervening Parliaments, and the Clergy were often within that time call'd to give Taxes, but not in a Parliamentary Attendance. It was at the End of this Year 1299. before the King reassum'd this Ungrateful Expedient of bringing the Lower Clergy Nationally to Parliament. And it was upon the highest Provocation from the Clergy, and in the midst of an Army, that He did it. At the last Convocation, the Arch-
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bishop oppos'd the King's Demands of Aid, and gave secret Advice to the Clergy, which they must not impart to the very Absent Bishops, under pain of Excommunication. (*Annal. Wigorn.*) The King justly resented this Affront; and being at the Head of an Army in *Berwick*, He issued out his Summons to the Archbishop of *Cant.* to the Keeper of the Spiritualities in the vacant See of *York*, and to the Suffragan Bishops of each Province, Dat. 29. *Decemb.* *Regn.* 28. with a full *Præmunientes*, for the Clergy to appear in the Parliament at *London* on the Second Sunday in *Lent* following. (*Dugd. Summon.* p. 26.) And this *Præmunientes* was generally Executed; For tho' Mr. *A.* could give Us no Procuratorial Instrument for this Parliament, yet there are Two of them to be seen in the *Bath Register.* p. 159. Yet soon after when the King return'd from *Scotland*, and was to hold a Parliament at *Lincoln*, in the Octaves of *Hilary*, *Januar.* 21. 1300. to ease the Clergy, He did again omit the *Præmunitory* Clause, and cited no Spiritual Persons, but Bishops, and Abbots, and some other Baron Prelates, as the Prior of *St. John's*, &c. (*Dugd. Summon.* p. 29.) So that if there were any Congress of the Lower Clergy now at *Lincoln*, it was not upon the Royal *Præmunition* in general Writs to every Diocesan, but it was in a New Method by particular Writs sent to every Divine, in whom the King had greatest confidence, to consult as Lawyers in other *Matters.* (*Brady Contin.* p. 71.)

In the Year 1301. we find no Parliamentary Writs, and therefore no Summons of the Clergy. In the Ensuing Year 1302. the Archbishop conven'd a Provincial Assembly by his own sin-

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gle Power in Letters Dated *Apr. 11. 1302.* to meet in the New Temple at *London*, on the Morrow after Ascension, *Jun. 8.* (*Reg. Winchelse.*) After which the King held Two Parliaments at least this same Year in *London*, with no Præmunitory Clause in the Bishops Summons (*Pryn. Parl. Writ. Vol. 1. p. 13. & Dugdal. Summon. p. 36.*) because He had a Tax from his Clergy by Papal Concession. Yet within that Year the Archbishop held another Convocation at *S. Paul's* in *London* on *Monday* after the Feast of *St. Nicholas*, (*Dec. 6.*) by his own Citation, which was upon the extraordinary Occasions of opposing the King's way of levying a Fifteenth upon the Clergy. (*Reg. Winchelse. f. 148.*) the Result of which was, to send to the Pope for his leave to pay, by Letters Dated *12 Cal. Januarii. 1302.* (*ib. f. 355.*) Again, in the Year 1303. we have several Precepts for Collecting the Tax upon the Clergy, but no Summons of them to Parliament; no need of being *Warn'd* thither, if They were answering the Intention of it another way. The next Instance we find of a *Premunientes*, such as it was, is at the latter end of 1340 33. *Edw. I.* when the King was at the height of his Conquests and Glory: Then with a Sword in his Hand, he would again impose this Burthen upon the Clergy. What the Cause in the King's Writ was, we do not find; but we have the Archbishops Letter, for the Execution of it, *Dat. 13. Jan. 1364.* where his way of Executing is with so much Reluctance and Evasion, as betrayed he had no Mind to do it. Even so *Mr. A.* himself confesses, *the Clergy were uneasie under this Premunitory Clause, and cast about how to Evade it: And therefore is*
this,

this, 33. *Edw. 1. A. B. Winchelse took a way of Salving it in some measure, without Disobeying it.*

p. 252. He did Execute it indeed in such a manner, as if he thought it a grievous Hardship upon the poor Clergy. Therefore in his Letter to the Prior and Convent of *Cant.* he does not Recite the King's Writ, as he ought to have done, but tells them, he has Receiv'd the King's Letters, *talīs tenoris vel consimilis in essentia*, putting them off with the Substance, and suppressing the Form of them. Then warning them by the King's Order to a Parliament, Adjourn'd to the Sunday after the Feast of St. *Matthias*; He commands them to come the Sunday before to *Lambeth*, in order to Treat with Him First, as in Council, before they went to act in such a Parliamentary Convocation. And for ought Mr. *A.* knows, the Archbishop spar'd the Secular Clergy, and premonisht only the Prior and Chapter. For tho' He does suppose, He did warn the Clergy of his Diocese by the Archdeacon, as I grant he did, yet his Supposition might be false, because he supposes it with another thing that must be false, that He did so to all the rest of his Province by the Dean of it, the Bishop of *London*: Surely Mr. *A.* ought to know and own, that the *Præmunientes Clause* was to the Archbishop as *Diocesan*, not as *Metropolitan*; and that he could not oblige the Bishop of *London*, but his Archdeacon only in such a Ministerial Office: The worthy Prelate that now sits there, better knows the Liberties of his own See. To Return, In the next year 1305. 33. *E. 1.* we have a Parliamentary Summons to the Archbishop of *Cant.*

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and another to One of his Suffragans, without a word of *Premónishing* the Clergy : The Archbishop only held an independing Provincial Council at *Merton*. It was at the latter End of the year 1306. when the Archbishop being in Banishment, and the King at the Head of a Victorious Army, it was the more proper Juncture, to force the Clergy again to a Parliamentary Attendance at *Carlisle* in the Octaves of *Hilary* : Where the King dispens'd with the Absence of most of the Lower Clergy in the Province of *Cant.* and accepted of the same Men for Proxies of different Persons and Places, and allow'd them the liberty of subrogating other Proctors, All design'd to make it more Soft and Easy. But because such Proxies did so appear in this last Parliament, therefore Mr. *A.* implies they did so throughout all his Reign. p. 40. when yet it is very Apparent, that the King did not begin the Practice till the 23^d of his Reign, and that he first softened the Clause, and then receded from the imposition of it ; and tho' sometimes provok'd and enabled to restore it, yet to the end of his Reign he did omit it, much oftner than He did insert it, in his Parliamentary Summons to the Archbishops and Bishops. It cannot be ingenuous in Mr. *A.* to represent it as the Glory of *Ed. I.* that *He would not be baffled in this Attempt, but carried it against all the Clergy's Opposition, and the Ground he had thus gain'd, he kept through all his Reign.* While after all the Boast, He did but rarely do it ; and, what is observable, He did then do it at the Head of an Army, or at the End of a Great Victory, as if it were rather Martial Law, than *English* Right. How many

many Honest People have been made to think, that from the time this Clause was first inserted into the Bishops Writs, it has been a constant Practice, and a sacred Privilege of the Clergy, when yet at the first Original, it was thought an Arbitrary Effort of *Ed. I.* which He himself would not practice, but on very Necessitous Occasions, and ordered such Writs in his *Camp*, more than in his *Council*.

We should present our Thanks to Mr. *A.* for acknowledging this Truth, That whatever Thoughts we now have of the Clergy's Attendance upon Parliament; yet those who were best Judges of the first Nature of it, thought it an illegal Imposition on the Clergy; and tried all possible ways to Oppose it, or to Evade it. Under *Ed. I.* *This Clause, how much soever to the Real Interest and Advantage of the Lower Clergy, was yet thought a Burden by them, and an Inroad upon their Privileges; and they tried all ways therefore of withstanding or declining it, but in vain; for the Genius of that mighty Monarch, who was not us'd to be baffled in any Attempt, carried it against all their Opposition. p. 40.* Under *Ed. II.* They would have laid hold on an Opportunity to resume their Exemption. They lik'd not the *Præmunientes* at first, and the severe Taxes they had smarted under, ever since it went out, made them like it still worse, and had quite altered their Mind and their Measures, &c. p. 41. A fair and just Confession, that the *Præmunientes* was at first the most unacceptable thing in the World to our *English* Clergy. But Mr. *A.* Reflects on their Folly upon this Account, that they did not understand their
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Even so
Mr. *A.*
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confesses.

own Interest. *How much soever to the real Interest and Advantage of the Lower Clergy.* Truly I cannot but think so well of the *Lower Clergy* of those times, that if it had been their Interest, they would have understood it. The Clergy were even then no such Ignorant Creatures. Education and Foreign Business sent them very often abroad: They had many of them a near Relation to the King, and his Prime Ministers of State: They had many of them good Offices and Employments in our Civil Courts of Justice: They had as good Breeding, and as much Law, as most of their Successors, generally speaking. Or if they had less Wit and Experience in the World; yet most People have Sense enough to know what is Good or Bad for themselves. And therefore since the *Lower Clergy* then thought it a Burden, I take it for granted that it was so. Or if the *Inferior Clergy* had been as stupid, as Mr. *A.* represents them; yet if the Case had not really been, as they themselves did apprehend it, the Governors of the Church would have Inform'd them better; and they were then much inclin'd to submit to the Judgment of their Governors. But the Prelates indeed oppos'd it more than the *Lower Clergy*, because they better knew the ill Consequences of it. They *knew* it might make several Ruptures between the King and the Church. They knew it must interrupt the Care of many Souls. They knew it was meant for a Project of extorting continual Taxes from the Clergy. They knew it would occasion severer Laws against the Liberties of the Church, than any yet had been.

The Bishop and Clergy oppos'd the *Præmunientes*, from a prospect of the dangers of it.

They

They knew it would be a dangerous Subject of perpetual Emulation between the Clergy and the Laity. They knew it might kindle many other Feuds and Flames, unless there should come some favourable Opportunities to suspend and intermit it by degrees, and at last to let it grow perfectly Obsolete, for the Clergy's Peace and better Protection.

And upon this one Matter of Fact acknowledged by Mr. A. of the *Premunientes* being thought a Burden; I might argue with any Rational Men, that cannot trouble themselves to understand the exacter History of it. If the Lower Clergy had look'd upon this Call to attend a Parliament, as a glorious Priviledge to Them and their Posterity; they would then have been so Just to their Function, as to have treated and solicited earnestly for it. They would have sought it, and pursued it, with their Petitions and Addresses to the King and his Great Council. They would have even purchas'd it with some large Benevolence for a standing Right to Them and their Successors for ever. If they had wanted a Spirit to procure it; yet they would have accepted it however with all Gratitude and Joy. Or if they had been void of so much common Sense, yet at least they would have submitted to it with decent Patience, or bore it, as no great Affliction. Nay, if they had been at first startled at the Novelty of it, and suspected more in the Grass, than at first view they apprehended: Yet, upon some Experience of the Benefit, they would have been reconcil'd by degrees to their own Interest; and would afterwards have

An Argument that it was then thought no Right or Priviledge.

have held fast the Priviledge, which at first they unwarily declin'd. But if there was nothing at all of this Natural Prudence appearing: If they were so far from *Petitioning* for it, that they made continual *Remonstrances* against it: If they were so far from *Acceptance*, that they rejected it with all possible Disdain: And again, so far from *Submission*, that they lost their Temporals and their Liberty, in the most active Opposition. And finally, if after some Trial of it, they would still have cast it off, and sate down under it in pure Necessity, with continual Murmurs and Complaints: Then let Mankind judge, whither it was at that time a desirable Thing.

A Question whether we have more Reason to be fond of it.

The Question is, whither *we* have any more Reason to desire it, than *they* had. Not unless we can have some greater Priviledge by it; But what *that* is, Mr. *A.* has not yet told us. How if they really had some Priviledges in Parliament, which we should really want upon a like Return to Parliament? Would it not then be a little Harder on us to have their *Burden*, without their *Profit* in it. They had the Priviledge of giving their Mony in a Parliamentary way; and by this *one* Priviledge they could now and then purchase some others. They were never indeed properly let in to the Civil Legislature: English Laws in Property and State-Affairs did never want the concurrence of these Spiritual Commons. But yet, for a long time, their Bills of Complaint or Articles of Grievance, had a final Redress by the King, with Advice of his Lords Spiritual and Temporal. So as when they gave their Mony,

they

they got often some Equivalent for it. This was a Right of the Clergy in Parliament till at least the 57 of *Edw. III.* when the Lay Commons did Petition, *That no Ordinance should be made at the Request of the Clergy, without Assent of the whole Parliament, and that no Man be bound by their Constitutions made for their Advantage,* (*Rot. Parl. 51. E. 3. n. 46.*) I think about that time, they lost a mighty Privilege. Yet still they kept the Right of granting their own Mony absolutely in themselves, without need of Confirmation by any Act but the King's acceptance. Yet this Right too was let drop soon after the *Submission of the Clergy* under *Hen. VIII.* And the Offer of their own Subsidies, came then to be ratified by the Lords and Commons; and so to pass into an Act of the whole Parliament. Yet still their Mony was given by themselves, tho' the Gift was confirm'd by others. Nay, and tho' they could not give a Tax without Assent of Parliament, yet they might offer a Benevolence by their own Convocational Power, as was practis'd under *Queen Elizabeth.* At last, by a Consent *Universal* for ought we know, they let fall the *last* remaining Parliamentary Right, that of granting their own Subsidies and Benevolence soon after the Restoration of *King Charles II.* Now if the Clergy must be restored to their *Parliamentary Attendance*; I think they should be restor'd to some one *Parliamentary Right* or other. But I dare not guess *which* it is, they hope to Retrieve: I only know, that by *Mr. A's* good Will, they shall retrieve Nothing of what they have once lost. He, Good Man, has no Aim at retrieving lost Rights, or build-

Parliamentary Privileges of the Clergy of England.

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building new Pretensions on old disus'd Practices, p. 353. He is for their bare Call, and pure Attendance only ; to assemble jointly with the Parliament, and be oblig'd to attend always upon it. I give up willingly whatever beyond this, my Proofs seem to imply, which neither my Argument, nor my Inclination any way leads me to maintain. It is so far from being in my Intention, that it is not in my Wishes to set up a Plea for any of those old Privileges and Preheminences of the Clergy, which are long since Dead and Buried ; and which, I think, ought never to be reviv'd, even for the sake of the Clergy themselves, who have thriven best always under a Competency of Power, and moderate Pretences. p. 64.

These are Mr. A's Words and Sense, not Mine. Yet when he has given up all the Reasons of Privilege and Power, for which the Clergy did and should attend a Parliament ; He would have them still attend without any one Right or Reason left : And so he would not only divest the Clergy of their old Rights, but Entitle them to a new Subjection. For I think it is the Notion of all Free-born Men, that to Attend, and be bound to Attend is no great Honour. But to Attend at any Place, or upon any Person, without any Business, or any Seat to sit down, and be oblig'd so to Attend, and be Accountable for not paying that Right of Attendance : This at least in any other Cases, is no Badge of any thing but Slavery. It was to vindicate the Liberty of English Church Men, that when they themselves had receded from their last Parliamentary Right of Taxing their own Body, from that time they should pay

pay no longer needless Attendance. That from that time at least, no Prince should ask why his *Pramunientes* was not executed: No Parliament should enquire why they were not attended by the Clergy: No Bishops should ever execute the *Pramonentes* distinctly from the *Provincial Writ*: No Judges or Lawyers should ever give their Opinion, that the Bishops did omit their *Legal Duty*: No Deans or Archdeacons should ever claim their Writs to *Parliament*, as well as to *Convocation*: And no forward Presbyter should ever challenge his Superiors for the Omission.

It will be therefore proper to enquire, whether this Clause of calling the Clergy to Parliament has been so much an old Legal Custom, as Mr. *A.* pretends it to have been. He really shuffled much in the *Rise of the Pramunientes*, and he has very much prevaricated in the *Continuance* of it. He says, It was constantly practis'd in *Edw. I.*'s Days: I have prov'd it was more constantly intermitted. Under *Edw. II.* He owns, that the Clergy had some Exemption from it; but he imputes this to a *weak Prince* and a *disorderly Government*, p. 41. Whereas *Edw. II.* how *weak* soever, did more toward bringing the Clergy to meet with a Parliament, than his Father could before do. For he doubled the Obligation on them; by commanding the Archbishops to bring the whole *Province*, as well as the Bishops to bring their respective *Dioceses*; with this Compromise, That he would from henceforth allow *two Provincial Convocations* to be equivalent to *One National Assembly*: And if to be call'd Nationally,

Mr. *A.* mistakes as in the Rule of the *Pramunientes*:

So in the Continuance of it:

they were to act Provincially under their Archbishops. Hence the Rise of the two Provincial Writs from the King to the Archbishops, usually concurrent with the other Royal Writs to every Diocesan. This corroborating Method is entirely mistaken by Mr. A. He says, that after *Edw. I.* found the Clergy backward to answer the Ends of his Parliamentary Summons, then his easie Successor was prevail'd with yet further to mix Authorities, and to take the Archbishop's Power along with Him in Convening them: So that under Him the way was often, when the Bishop's Writ with the Clause *Præmunientes* went out, to send two other Writs to the two Metropolitans, directing them to Cite those of their Province by a general Mandate, which were summon'd severally by the Bishop's Writs, p. 42. &c. He sets out the Rise and Advance of the Provincial Writ with a wrong Turn. He ought to have freely own'd, that the *Provincial Writ* in its Foundation was but to second the *Præmunientes Clause*, and more fully to answer the End of it. For could the *Præmunientes* alone have been duly executed; it should never have been fortified by any Provincial Writ. And if this Provincial Call to Convocation could be alway for the future effectual; there should have been no longer an Occasion for the National Call to Parliament. Coming in or about the time of Parliament, to join the Aid of the Clergy to that of the Laity, was the sole Design of both ways of calling. So that if the Clergy came, it was indifferent to the King and Government, which way they came. And therefore, if for *United Force* both Forms were transmitted from the Crown, yet a Return upon One of them was
alway

always sufficient. Or if for Caution, the Bishops or their Officers made a Return to *Both*, yet was it but *Here* and *There*, but *Now* and *Then*, as Parties concern'd were more officious or more Timorous. This shall be hereafter Historically prov'd at large, to turn about the Confidence of Mr. *A.* who would represent the Execution of the *Præmunitory Clause*, even after the *Provincial Writ* obtain'd, to have been a regular and constant Course of Practice. Not that the *Clause Præmunientes* now grew useless and insignificant: For still the Bishop when he received his Summons to Parliament, transmitted it to those of the Lower Clergy concern'd; and they still made their Returns to it, p. 43. Who would imagine less upon his many Reports and Instruments of this Matter, but that the *Præmunientes* was executed, as often as a Parliament was call'd, from the 23 *Edw. I.* as low as the Reign of *Edw. VI.* when Mr. *A.* confesses, *Returns had thence ceas'd, or at least were not entred.* So indeed the continued Burden of his first Edition makes the *Præmunientes* run on through all the times of *Popery*, and stops the course of it about the times of our *Reformation*. But then in his second Edition, when it had pleas'd God to reward his continued Searches on the Subject, with yet further degrees of Light, Addend. p. 628. Then he saw his own Error, and brought down the shew of executing that *Præmonitory Clause* to our own Times: And with the Play of leaping backward, he makes the Neglect and Omission of this Clause to have begun long before the Reformation, and for that Reason to have been *Popery* itself; when before it had been a piece of Protestant carelessness. *The*

The *Præmunientes* and *Provincial Writ* were only subservient to one another.

Mr. *A.* makes the Neglect of the *Præmunientes* to be *Popery*.

Clergy's first declining the *Præmunientes*, and choosing rather to execute the Convocation-Writ than that, was at the bottom a piece of rank Popery, and owing to their Pretences of Exemption from the Civil Power. For the One of these Precepts issuing immediately from the King, they wav'd as far as they durst: Whereas the Other coming to them through the Archbishop's Hands in an Ecclesiastical way, they readily comply'd with it. Ad-dend. p. 630.

The
Clause it
self was
more ow-
ing to Po-
perry than
the neg-
lect of it.

I have observed it the common Infirmity of Persons disaffected to our Church, to call every thing Popery that did not suit with their Humour. But I little suspected that Mr. *Atterbury*, who once thought the *Præmunientes* was inviolably observ'd down to our Reforming Princes; that he should now make the Neglect and Omission of it to be *Rank Popery*. My Judgment, I confess, lies contrary. I think the Clause it self was more Popery, than the dropping of it. And I think, the Provincial Writ superadded to the Diocesan, was really owing to the same Spirit of Popery. For if the two Metropolitans would have call'd their Provincial Synods at such stated Times, as the King and his Occasions most requir'd; that Method alone had been enough subservient to the publick Good, and the King would not have brought the Clergy under any other extraordinary Summons. If the Archbishops and Prelates would have assisted him with proper Aid and Relief in their Provincial Synods; he had never troubled the Lower Clergy to attend him in a Parliamentary Convocation. It was (I say) the influence of the Pope upon our
English

English Archbishops, that made them refractory to the King's Desires ; they refused to convene the Clergy, but at their own absolute Pleasure ; and would then again dismiss them, without any Regard to the Necessities of the State. This drove King *Edw. I.* upon bringing the Clergy himself to *Parliament*, because he could not oblige the Archbishops to bring them to *Synods*. This alone occasion'd the *Præmunientes Clause*, not to dignify the Body of the Clergy, nor invest them in any Priviledge, but to correct the Papal Inclination of their Governors, and to be sure of their frequent Assemblies for Civil Purposes, by Civil Power. And this again was the Reason why King *Ed. II.* did strengthen the *Premunitory Clause* with two Provincial Writs ; for fear the Bishops should evade his Royal Injunction, unless he brought them under the double Tie of obeying their Metropolitan, as well as their Prince. And this, finally, was the Reason of keeping up both Methods, tho' to the same end and purpose, that if the Bishops should fail in their Obedience to the King's Writ, they might however be manag'd by the Metropolitcal Power. And so again, if the Archbishops should recede from their Submission to the King, he might still have an Influence upon all their Suffragans. The Provincial Writs and the *Præmunitory Clause* mutually assisting and supplying one another. And both little enough for the *Popish Clergy*, who, if possible, would have declin'd all dependance on the Crown. This is so true, that when our Clergy had renounc'd the Pope's Supremacy, and came to be entirely subject to the Sovereign Civil Power,

The Provincial Writ was thought enough from the Times of Reformation.

then the Provincial Writ was soon thought to be Tie enough upon them. Hence, after the Church was a little settled in her Reformation under Queen *Elizabeth*, the executing of the *Pramunientes* was more and more intermitted, and nigh totally suppressd. The Clause indeed was formally inserted, and the Execution was not by Law abrogated. And so there might be here and there an Instance of the formality of an Election, but perhaps not one Instance of a due Return upon any such Election. An Instrument or two of Procuratorial Powers given; but not one Proof, that such Proctors to Parliament were ever duly return'd thither, or receiv'd under any other Characters, than if they had been barely Convocation-Members.

Mr. A's Instances are to no Purpose.

This may surprize such a part of the World, as have took on trust the Authority of Mr. A. who has pretended a Regular Execution of the *Pramunientes*, by giving *Instances* of it to the very Year 1676. when his *Instances* are All but a bold Imposition on the Reader. Let Mr. A. and I believe the Lawyers, that the Execution of Parliamentary Writs does depend upon the due *Return* of them: The Writ is not legally executed, till the *Return* is made of it. Now Mr. A. does well observe, that the Bishop was the King's Ministerial Officer to receive and execute his Parliamentary Summons of the Inferior Clergy, and therefore *the Bishop executed the Royal Writs upon the Clergy of the Diocese, as the Sheriff did upon the Laity of the County*, p. 43. Pray then, are the like Parliamentary Writs only executed by the Sheriff, till he has made his

his Return of them into the proper Office? Is it enough that such and such Members are said to be chosen? Or would it suffice, that those Members should take an Indenture of Deputation from the People that elect them? Would this give them a Seat in the House, or make them a true part of that August Body? Must not the Sheriff certify the Election made, with the Names of the Elect, and return this Legal Notice to the Clerk of the Crown? Or else shall the Election be thought valid, or shall the Members be admitted? If then the Bishop would execute the *Pramunientes* upon the Clergy, to make his Execution full and legal, he must transmit his Return into some proper Office, and if any Dispute arise, that Return entred upon Record can be the only Test of a Regular Execution. It is not enough, that two Persons suppose for a Diocese are said to be chose Parliamentary Proctors. It is not enough, that a Clerk or a Register draw up a Procuratorial Instrument. It is not enough, that the Archdeacon make his *Return* to the Bishop; but indeed the Bishop must make his Return to the King, or his proper Minister. Or else such Election is not Parliamentary, nor can the Validity of it be either own'd or tried in *Parliament*. And therefore, when Mr. *Atterbury* undertakes to prove, the constant way of executing the *Pramunientes* upon the Lower Clergy; he should have prov'd the constant Return of such Execution; or else he proves Nothing. And it is indeed Nothing he proves: For he talks only of *the Returns made by the Clergy*, p. 616. not by the Bishop. Whereas the King's Writ of Sum-

mons is not directed to the Clergy ; but to the Bishop. The Clergy may *Return to the Bishop*, but it is the *Bishop must Return to the King* : Or otherwise, if the Episcopal Præmonition be executed, yet the Royal Summons is not so executed.

His later
Instances
are to less
Purpose.

To what purpose therefore does Mr. *A.* boast, that *since the first Edition of his Book, many later Executions of the Præmunientes by the Bishop, and Returns to it by the Clergy have fallen into my Hands*; which for the further Illustration of this Point, I shall produce here in their Order, through all the Reigns from the time of the Clergy's Submission under H. 8. till some years after the Restoration of C. 2. Addend. p. 616. And so he gives the Reader a Collection, drawn from the Records of some few Churches, and presented to him as a Sheaf only, by which he may judge of the Harvest, p. 626. As far as I can judge of Country Matters, *Straw and Stubble* is the least part of Harvest. If Mr. *A.* had given us but two or three Instances, how the *Præmunientes* Clause was executed by the Bishop in due course of Law, by a punctual Return to the King's Writ; he had done somewhat. But he has not given us one such single Instance: And therefore all his other Instances, without One of that kind, are but meer Formality and Fashion-fake. They shew only that a Writ with such a Clause was receiv'd, and a way of executing that Clause was sometimes offered at, but that he at least knew of no one full and legal Execution.

Another Fallacy upon the Reader in the Instances produc'd by Mr. *A.* is *this*. If He find in any Chapter Acts, &c. that the Clergy Proctors bore some Relation to Parliament, He would from thence infer, That they were chose *Parliament Proctors* by virtue of the *Premunientes Clause*. But He is mistaken. For a Convocation Call'd with the Parliament by the Provincial Writ only, was a Parliamentary Convocation: And the Members were said to attend upon the Parliament, without any other special Election or Appointment. This is for the Honour of our *English* Convocations, as concurrent with an *English* Parliament; An Honour, that Mr. *Atterbury* would rob them of, if He think the Convocation-Members Elected by the Provincial Writ only, are not in as much Capacity of attending the Parliament, as if they were doubly chose by the *Premunientes Clause*, as well as by the *other Writ*. If the Clergy are as effectually in Parliament *one way*, as they would be the *other*; nay, as much by the *One Call*, as they could have been by *Both*. Then I must needs think, the *Provincial Writ* alone when Executed, was in it self sufficient without Executing the *Premunitory Clause*. For by the Provincial Writ Alone, the Deans, Archdeacons, and Proctors were said to be *in Parlamento & Convocatione*; or disjunctively, *in Parlamento seu Convocatione*, and were said to be sent *tam ad Parlamentum quam ad Convocationem*, &c. And to convince those who may value Mr. *A.*'s Authority, He himself gives an Instance, and makes this Use of it to shew, that a Proctor appointed by virtue of the Convocation-Writ, is afterwards an
Ac-

The Clergy were said to be in Parliament, tho' not chose by the *Premunientes Clause*.

Account of THAT APPOINTMENT *said to*
attend the Parliament, p. 619. Then am I satis-
 fied, that the Attendance of the Clergy in Par-
 liament, was not always by an actual Choice of
 Parliamentary Proctors. No ! but when they
 were chose only to Convocation by the Pro-
 vincial Writ, they were so much *in the Parlia-*
ment, and *of the Parliament*, as they would have
 been by a particular Choice on the *Pramunien-*
tes Clause : Which is One of the very best Rea-
 sons to justify the Bishops Neglect of that
 Clause. If they had thought, the Omission
 would exclude the Clergy from all Relation to
 the Parliament ; they would have been Cau-
 tious and Exact in giving no Colour to the loss
 of such a Right. But they wisely saw, that the
Clergy in Convocation, were the very *Clergy in*
Parliament, tho' without a special Designation
 by the *Pramunientes Clause*. As return'd thither
 upon Execution of the Provincial Writ Alone,
 they had a Parliamentary Protection, a Freedom
 from Arrests, &c. and by virtue of that Alone,
 they had the greatest Parliamentary Power,
 that of giving their own Money. If they had
 come All by the *Pramunition* to Parliament, they
 could have had no *More* ; and coming only by
 the Provincial Call to Parliament, they had no
Less. This was a substantial Reason, why our
 Bishops commonly spar'd the double Trouble,
 when *One way* was as effectual as *Both*. And for
 this Reason, soon after the settled *Reformation*,
 when the Crown was secur'd of the Obedience
 of the Clergy, and knew they would come at
One Call, as well as at *Two*. From that time,
 the Clergy were Assembled with every Parlia-
 ment, by the Provincial Writ from the *Crown* to

This is a
 Reason
 for Disuse
 of that
 Clause.

the *Archbishops*, and from *them* to their *Suffragans*: And the *Premunitory Clause* to each Bishop grew more and more Insignificant and Useless. And therefore from the Three or Four first Years of Queen *Elizabeth*, when the Protestant Clergy might be trusted for Obedient Subjects, there is not One Proof, that ever any Bishop made a *Return* of the *Premunientes* to the Crown: Or that ever the Crown challeng'd such a *Return* from any Bishop.

Could there be any better Reason for the long prevailing Disuse of Executing the *Premunientes Clause*? Yet we at last have still a greater Reason for continuing the Disuse of it. For the greatest Right of the Clergy in Parliament, (the fundamental Right) was the Privilege and Power of giving their own Money, and the Liberty of submitting to no other Taxes, but what they *themselves* laid upon *themselves*. While they practic'd this Right, it was more Plausible, they should be expressly call'd to Parliament, as well as to Convocation; because Subjects giving Money to the King, would be most Legal, when done in a Parliamentary way. And therefore those Bishops, who did not apprehend the Convocation to be a Parliamentary Body of the Clergy, they were obliged to execute the *Premunientes*, to make *them up*, what for giving Money they *ought* to be. But now at last, our present Bishops have no such Prudential Inducement. It is well known, the *English* Clergy in their own Parliamentary Convocations, Tax'd their own Body to the 15. *Car.* 11. 1663. when in a following Sessions of Parliament in 1664. by Measures wisely concerted be-

And we
have now
a greater
Reason.

between the Governors of the Church, and the Leading-Members of the House of Commons, the Clergy were in Silence to recede from the Customary Right of Taxing Themselves Apart from the Laity: And all their Ecclesiastical Benefices were to be now Assess'd (as their Temporal Estates were before) upon the same Foot and Level with all other *English* Subjects, in the Bills beginning in the *House of Commons*. How much this considerable Change was to the Ease of the Clergy, as undoubtedly they thought it; or how much to the Benefit of Posterity, as to be sure they meant it, I shall not now Enquire. There might have been some Secret Measures, and some Tacite Conditions, which I humbly leave for Others to *Reveal*. There was no Condition publickly own'd but this, that the Clergy should be reliev'd from Two of the remaining Subsidies, which were a Part in Arrears of their own Imposition.— All Spiritual Promotions— which are or shall be charg'd or made contributory by this Act— shall be absolutely freed and discharg'd from the Two last of the Four Subsidies granted by the Clergy to His Majesty— by an Act made in a former Session, &c. Stat. 16. 17. Car. II. Cap. 1. However, this is certain: If we consider the Church-Men, and States-Men, and the whole Juncture of Affairs about that Time; we may safely conclude, that this Recess of the Clergy from their Customary Right of Self-taxing, was not design'd to please the *Court*, nor to Oppress the *Church*; as Mr. A. insinuates of all our later Proceedings.

But I am only concern'd to say, that the Clergy's voluntary departing from their Parliamentary practice of granting Subsidies, did at least make the *Præmonentes Clause* somewhat more Insignificant. And if it was but rarely before *Executed*, it might now seem to be virtually *suspended*; because the very End of it was Evacuated, by giving up the Right of assisting the King with distinct Aids and Benevolence. And indeed the Clergy themselves seem'd as much to recede *Now* from their Old Custom of having separate Parliamentary Proctors; as they did *Now* from the other Custom of making a separate Taxation. For while the Clergy *had*, or were presum'd to *have*, their own *Commons Spiritual*, they never Voted (by Tenure of their Livings) for the Election of any *Commons Temporal*. Whereas it was now a Compromise between the Clergy and Laity, that from the said 17 *Car. II.* All Rectors and Vicars of Parochial Churches, who were to be Tax'd for their Glebe and Tithes by the House of Commons, should Vote in the Election of Members of that House. That so according to the *Laws of England*, they might be still Tax'd by their own Consent, carried up by those Knights of the Shire, who as to Property and Civil Rights do now Represent the Clergy, as well as the Laity. And therefore the Clergy can have less Occasion (and less Right) to be Represented by any other Members of their *Own Body*.

The End of the *Præmonentes* was lost, when the Clergy departed from their Taxing.

And

No Legal
Execution
since that
Time.

And therefore I Appeal to the Memory of our Elder and Wiser *Divines* and *Civilians* now Living, whither since the Clergy's Taxing ceas'd, there was ever any Execution of the *Præmunientes Clause*. Mr. A. indeed offers at One Instance, p. 626. An Election of Proctors by virtue of the *Præmunientes*, in the Diocese of *Peterborough*, 10. Feb. 1676. One Instance, in One Diocese, for One Parliament, looks singular, and seems to imply a common Practice on the other Side: Some Men are not above *Forms*, when the power of them is intirely gone. One of those Parliamentary Proctors for the Diocese of *Peterborough* is now the worthy Bishop of that See; and best knows, whither He *then* had the distinct Character, and the distinct Powers, for Parliament and Convocation, by the *Præmunientes Clause*, as well as by the *Provincial Writ*. If He *had not*, Mr. A. Trespasses upon his Name. If He *had*, He can remember what it signified; and can judge, whither it is to be continued. Mr. A. is again free to tell us, That in 1678. *The same Process went out in the Diocese of Peterborough, upon the same Writ with the Clause of Præmunientes, to warn the Diocesan Clergy to return Proctors by virtue of it*, ib. p. 628. But then He is so ingenuous as to tell Us, that *Before Election the Process was stopp'd, and the Convocation Writ only Executed*. Some Argument perhaps, that the Bishop chang'd his Mind, or that his Superiors Interpos'd.

And therefore Modest Men admire, that Mr. *Atterbury* should in his First Edition drop the

the *Præmunientes* at the beginning of the Reformation, and then in a second Edition should be to charge our present Governors with a Neglect of Executing this Clause upon the Lower Clergy, and should Exhort, and even Threaten their Lordships, to return to the Practice of it. He begins gravely, with an *Humble Request to my Lords the Bishops, that they would please to consider, of how great Moment it is towards the preserving the Constitution, and the Rights of their Clergy, to preserve the Regular execution of their Writs of Summons for the Parliament, and a Remembrance of it in the Records of their Sees.* p. 628. And for fear the good Advice might be forgot, he is bold to make a new mention of it, at the Close of his Work, because he cannot shut it up with any consideration of a greater Moment, &c. And here, therefore, He takes the Opportunity from a misplac'd Passage, to renew the *Humble Request, which he before made to my Lords the Bishops, and once again beseech them to consider, of how great Importance it is towards preserving the Ecclesiastical Constitution, to Command the strict execution of their Parliamentary Summons on the Lower Orders of the Clergy.* It is decent to Request Humbly, and to Beseech the Bishops; and Mr. A. may think it decent to Direct them: But 'tis not so agreeable he should tell their Lordships, they are left Inexcusable, if they do not take his Directions, 'tis true, while the Importance of executing this Writ was not Understood or Consider'd, the Neglect of it might be excusable: But after a nice Search into these Matters, has open'd our Eyes, &c. Now it seems their Lordships must execute the Writ at their
OWN

Till now
Mr. A.
does so
earnestly
persist.

own Peril; For future Omissions of this kind, cannot pass under the soft Name of Neglects, but will have some harsher Censure bestowed on them; to some Account they must be call'd for their future Omissions. But further, to supply this Defect in the Bishops, he makes an Appeal to the Subordinate Dignitaries of the Church, and instructs them how to Reform their Governors, and should their Lordships Officers forget at any time to transmit the Writ, yet the Deans and Chapters, Archdeacons, &c. will I hope be so Just to themselves, and to their Body as not to forget to **DEMAND** it, nor consent any ways to the dropping this part of our Excellent Constitution. A very dutiful way of Requesting, and Rebuking, and Threatning, and Reforming those, who are somewhat Superior to him. Example of Confidence makes other People bold. And therefore I shall be bold to say, that since a Pope sent a Legate-Priest into England, No One Presbyter ever so treated the Fathers of our Church.

After All, it may so happen, that some of our Right Reverend Prelates may not be convinc'd of the Necessity to comply with Mr. A's Proposals. In other Arguments, and other Persons, it is a little decent State in Great Men, not to be convinc'd by hard Words. And even some Men of Honour suspend a while their own Conviction, that it may not seem extorted by Noise and Fierceness in Persuading. If it should so happen, that some of the many excellent Governours of our Church, should continue in this Neglect, for all the Warning that Mr. A. has given to them. Then for fear that he should Prefer another Book against them,

them, I humbly beg Leave to offer a few Reasons, why their Lordships may be still Excus'd, and if they please, may yet take *farther* time to consider of it.

I. The not executing the *Præmunientes Clause*, did not begin with their Lordships, nor with the Eldest of them. They found the Matter so, and therefore I presume are not chargeable with altogether so much *Neglect* or *Omission*, as Mr. *A.* does cast upon them. I need not prove it; He himself owns it. *The Neglect indeed began before their Lordships time, and they are not therefore Answerable for its obtaining.* p. 628.

The not
executing
this Clause
has been
no late
Omission.

I thank him for any favour to their Lordships. Had the Neglect indeed very lately began by their Lordships breach of the Inferior Clergy's Privilege: Had the Omission been a *Modern* Trespass to answer any new Design: Had it within Memory proceeded from any default in the *Bishops*, or any Negligence of their *Officers*. Then indeed the Matter might have bore with some decent Expostulation with their Lordships, why they did so, or why they suffer'd it to be so. But since they keep things on just the *same* Foot they found them, and do full as much as their Predecessors did before them: They have Example at least to justify their *Practice*, and may have some allowance for their Respect to the Dead, and their Fear of Innovation. If Mr. *A.* had flourish'd in the Age, when this Execution was *first dropt*, what a noble Subject had he got of Arraigning Bishops? And yet I believe, the Bishops who first dropt it, had the good Fortune to be never blam'd for it. Nay there was a late time, when the

Governors of our Church, not only dropt the *Letter* of the *Præmunientes*, but dropt the Life and Soul of it, dropt the Power of giving Money: And yet not *One* *Presbyter*, young or old, ever put in his Remonstrance at the *Loss*, or his Plea for the *Resumption*: Which is an Argument at least that in those days, the Bishops were more Potent, or the Lower Clergy were more Modest.

No Benefit to the Clergy in restoring of it.

II. To restore a Practice *Obsolete*, and not by express Authority *Renew'd*, should have some prevailing Reasons for the Expedience and Advantage of it. And if Mr. *A.* could have offer'd any *one* Reason, that had a colour of Interest to the Clergy, or the Church, I should readily submit to it. For I have before own'd there is no Positive Law to restrain the Bishop from *executing* the Clause, if he thinks it incumbent on him so to do. And I shall farther acknowledge, that if the Bishops judge it their Duty to *execute* that part of the King's Writ, the Deans and Archdeacons, may be bound to execute the Bishops Orders on it: Tho' the Chapters and Clergy are thereby Authoriz'd only, or permitted to Chuse; they are not oblig'd or necessitated so to do; for I presume a Right of *Suffrage* does evermore imply a Right of *suspending* or *denying* that Suffrage. Yet I say, if there were any Benefit that should redound to our Members in *Convocation*, by making them in such a way our Members of *Parliament*; we ought to make the Parliamentary as well as the Convocational Proxies, as long as we have any Legal Liberty so to do. But certainly, there is no one *Priviledge* or *Pretence* of Priviledge, that our Clergy shall

shall have, or ought to have, if they are *Return'd* by the *Pramunientes Clause*, any more than if they are return'd only by the *Provincial Writ*: Unless they would exert the interrupted Priviledge of giving their own Mony, and that I leave to their own Discretion, and to the Wisdom of the Temporal Commons. But as to any other Rights or Powers whatsoever, I humbly conceive them to be the same in *Convocation*, as they would be in *Parliament*. Would the Parliimentary Proctors of the Clergy, or other Dignitaries in the same respect, have a Right to present their *Petitions* and *Motions* to the King and the two Houses? They have as much Right and Liberty in Convocation. Would the *Pramonish'd Clergy* have the Parliametary Priviledge of *Protection* and *Liberty* to themselves and their Servants? They have as much when call'd by the King's Provincial Writ to Convocation. Would the Clergy by execution of the *Pramonitory Clause* have the Right to be Summon'd, and Prorogu'd, and Dissolv'd with the whole Body of Parliament? The Clergy in their Provincial Convocations concurrent with a Parliament, have the same Usages, and equal Right to them. What is it we shall gain by the *double Return*, that we enjoy not by the *single Provincial Writ*? Custom need not be disturb'd, if it be but Inoffensive. *Cui bono* is a Question in all fresh Attempts. Who would move quiet things, when they are as *well* at least, in their present Station?

III. There is indeed One Material Reason, that is not so much urg'd as suggested by Mr. A. to imply the great Need of restoring this

It will not
make a
Parlia-
mentary
Body of
the Cler-
gy without
a Provin-
cial Con-
vocation.

Practice, the execution of the *Pramonentes Clause*. And that is, that by Vertue of the Bishops Writs, there may be a *Parliamentary Convocation*, even when the *Provincial Writs* to the Archbishops, are omitted or forgot. For it is the continued Design of Mr. A. to prejudice the Clergy, that the Provincial Convocations concurrent with a New Parliament, are in this Reign to be *laid Aside*; their very Summons to be drop'd, or at least their *Sitting* to be no longer suffer'd. It is on this Account, he asserts and with all Confidence repeats, that *Already upon the Calling of a New Parliament, the Writ for the Province of York has been drop'd, and it may so happen again; when another Parliament is called, that the Province of Canterbury shall be forgotten too.* Pref. p. 3. And it is on this Account again, that he pretends not to Prophecy what an English Convocation may be Ten, or even Two Years hence, if those concern'd to Assert or Support shall consent to drop them. Pref. p. 44. How unjust soever these Suggestions are, The meaning of them is plainly this, *Provincial Writs* are in danger to grow out of Use, or to have their execution stop'd as well as the *Pramontory Clauses* in the Bishops Writs; and therefore, it is the more needful to restore the *One*, for fear we should lose the *Other*. If this would be any Security for the Churches Good, I am content we should so provide for any future Contingency, tho' never so remote, and out of Prospect to the sharpest Eye. But Alas! This would be no Provision or Security at all. Were it Possible that our Governors should wilfully break through a settled Practice, and purposely omit or suppress the two *Pro-*

vincial Writs at the Call of a New Parliament. Why then, would the execution of the *Præmonentes* falve and supply this Omission of the *Convocation Writs*? Would this Method bring together *One National Body* of the Lower Clergy equivalent at least to two *Provincial Convocations*? If it did so, there were some Argument in it. But Alas, it would not do so. Suppose the Clergy call'd to Parliament by the Diocesane Clause of *Warning*, without the *Provincial Writ*. What are they? Where shall they go? How shall they Act? Can they by Virtue of that *Præmonition* Alone appear at *Westminster*? Where is their Apartment? What are are their Rules and Orders? Would they be admitted into the House of Commons? No. Would they be allow'd to send in their Votes? No. Could they form a House of their own? No. Would there be any President, or any Prolocutor? No. They would have Nothing at all of a *Synod*, and so little of a *Parliament*, that they themselves would be asham'd to assume the *Name* of it. It is more to the Honour of our Clergy to own the truth of our Constitution. That by Vertue of the Kings Writs to the two Archbishops (without executing the *Præmonentes Clause*) A Provincial Convocation of the Clergy concurrent with a Parliament, is a Parliamentary Body of the Clergy, to act as a Synod by the King's License. But a National Meeting of the Clergy in Parliament time, by Vertue of the *Præmonentes Clause* Alone (without Provincial Writs) would be neither *Parliament* nor *Synod*; would be Nothing but Confusion.

The not
Executing
a Writ is
accounta-
ble to that
Authority
alone from
which it
proceeds.

IV. The *not* Executing any Writ is directly Answerable to that *Authority* alone, from whence the Writ proceeds. And especially All Royal Writs and Precepts, if they are stified or suppress'd, there is a Legal *Prerogative* in the Crown, to Punish the *Neglect*, and to Enforce the *Execution*. The *Pramonentes Clause* is in a Writ from the *King*; and if each *Bishop* to whom it is directed, should fail in his Obedience to it, the Offence is to the *King*, and the Enquiry belongs to His *Majesty's* proper Courts and Officers. If the not Executing such a Clause were any *Contempt* of the Royal Authority; No doubt, the *King* and his Ministers would understand it, and would redress it. But if Obedience to the *Body* of the *Writ*, by Appearance of the *Bishop* before the *King* in *Parliament*, has been all along accepted as a full Execution of the Writ, without other Regard to any *Appending Clause* in it. Then are their Lordships discharg'd *coram Rege in Parlamento*; and Mr. *A.* has nothing to do to question them for any *Neglect* or Omission. His Majesty, and His Great Council, can best judge, whither this Forbearance of Executing the Clause has begun in *this Reign*, or has been convey'd down from the Time of *Former Reigns*. If now begun, the Question might be of what Design, or Dangerous Import! But if continued down from the successive Administration of Affairs under several Princes, they can apprehend no great Harm in letting Things go, as they us'd to go. A Practice however *Old*, upon long *Intermitting*, when first restor'd, will seem at *that first* an Innovation. And the *King* and his Council
might

might possibly consider, why such an *Innovation* should be so warmly recommended at this very *Juncture*? Why must this Government be molested with a Dispute, that in the late Reigns was suffered by the Clergy to lay *Still* and *Unquestion'd*? Is the Church in greater Danger? Are the Clergy less under a Gracious Protection? Some may Murmur and Complain, that *Disaffection to the Government is a Word only, and a Reproach to justify premeditated Designs of oppressing Men, &c.* Yet our Establish'd Church has not only the *same* Laws of the Land, but is more happy in the Favour and Protection of a Wise and Just *Prince*; Under whose Auspicious Government, the Clergy of the Church of *England* have been eminently *Oblig'd*. The Disposition of Royal Ecclesiastical Preferments was never put into Safer and more Venerable Hands, for the *Bishops* themselves to be Judges of their Clergies Merit. Men of *Holy Orders* were never more Employ'd in Foreign Negotiations, and in other Posts of Publick Honour. The *Rural Clergy* were never more distinguish'd by the Power and Reputation of *Commissions* for the *Peace*. The whole Body of Church-Men were never more engag'd to Gratitude and Quiet.

V. I presume the *State* will not be concern'd to Enforce the Execution of that Clause by our Right Reverend Bishops: And therefore Mr. *Atterbury's* Persuasions to revive it must run All upon the Interest of *Church and Clergy*. And their Interest indeed should obtain and prevail, with Me at least, above Many other Political Reasons. But I can never imagine, that All

The Clergy must have known their Duty, and their Interest.

our Divines before Mr. *A.* should know so little of their *Duty*, or their *Interest*, as never to Petition the Bishops to execute the *Præmonentes* on them. Surely *some* of them were Men of Sense and Reading: At least, they had very good Advocates among the *Civilians*, and they had very Learned Council at the *Common Law*. The Clergy must needs have been Able of *Themselves*, or have been sufficiently Instructed by *Others*, not to drop a Privilege that was of an Consequence to their Order, or of any prejudice to their Churches Constitution. But I never heard that Any One Son of the Church (before Mr. *A.*) ever made any One Objection against the Bishops on pretence of their Lordships Neglect in this Matter. And therefore I must have the Charity to think that our Watchmen could not sleep so long, if there had been any Enemy at the Gates, if there had been any Danger in omitting to Execute this *Clause*. It has somewhat of Assurance in any *single* *Presbyter*, to be the first Monitor of forgotten Duty to his *Fathers*, and to his *Brethren*.

VI. Since the Dispute has been Buried in deep Silence and Safety for many Successions in Church and State: It will become a Wise Man to consider, whether now *raising* the Dispute may not occasion some Mischiefs even greater than the longer Suppression of it. There may be such Jealousies and Fears, tho' Mr. *A.* would thus Obviate and Disperse them, the Danger pretended of *reviving such a Disus'd Practice*, is all Chimerical, and a Bugbear made use of only to frighten Children. Addend. p. 629. But tho' Mr. *A.* be such a *Constant Man*, yet other Peoples Fears are not
 always

There
 may be
 some dan-
 gers.

alway in their own Power. I confess *my* Infir-
 mity, that I am still afraid of many ill Conse-
 quences in it. I am *afraid*, that if the *Premo-*
uentes were to be Executed after so long inter-
 mission, It might be (whatever Mr. *A.* designs
 it) the Subject of some unseasonable Difference
 among the worthy Bishops of our Church. Some
 might now *begin* to Execute, and some might
 still *Forbear*. Some might pay a Deference to
 the Opinion, or to the Example of their Me-
 tropolitan. Others might apprehend it a Mat-
 ter of Obedience to the King, within their own
 Diocese, without respect to the Province. And
 at this little Difference, tho' on both sides In-
 offensive, some common Enemy might take ad-
 vantage, and pretend it a Breach of the *Union*
of the Church, which was never more Needful
 to preserve. If it were possible, the Argu-
 ments of Mr. *A.* should prevail at *Once* upon *All*
 our Excellent Prelates : Yet I am *afraid*, it
 might raise some unhappy Questions in their Ec-
 clesiastical Courts, and the Methods of Pro-
 ceeding in this *Renovation*. Perhaps the very
Premunition from the Bishop to his Clergy pas-
 sing through inaccurate Hands may be defective.
 Perhaps each Parish-Priest may be cited by a
 Usual Form, Cited by Virtue of a Process here-
 with shew'd to appear before the Reverend Arch-
 deacon---His Official or Surrogate---with the Rest
 of the Clergy in the said Archdeaconry---to Elect
 and Chuse two Able and Sufficient Procurators
 out of the said Clergy, to appear in the Convo-
 cation, or Holy Provincial Synod of the Prelates
 and Clergy of the Province of --- to be Held
 and Celebrated in the Chapter-House of the Cathe-
 dral Church---to Treat, Consent, and Conclude
 of, and upon those things, which then and there
 by

by mutual deliberation shall be agreed upon, for the Honour of God, and the Church of England, and for the Security, Peace, and Tranquillity, Publick Good and Defence of this Kingdom. Now Every Body knows, that this Form would Cite the Lower Clergy to Answer the Provincial Writs alone for a *Convocation*, not the *Præmunientes* Clause for a *Parliament*. If at the Bottom of such a Form publicly transmitted, there should happen to be such a Suppletory Clause as this, *And according to His Majesty's Writs*. This would be but a *Hint* very Obscure, and at first view to Strangers hardly Intelligible. So that if by virtue of this Citation, the Clergy should appear to chuse their Proctors, they can apprehend no more, than that they are call'd (as usually) to Chuse Members for Convocation or Synod only. And therefore if the *double* Writs (Provincial and Diocesan) should be then Read before them for a *double* Choice: They must be under a Surprize, and cannot be thought duly *Premonish'd*. Further, the different Writs to chuse in a different Respect, would seem to require a *distinct* way of Chusing. First, suppose for the *Parliament*, upon the Writ immediately from the King; then for the *Convocation* upon the Writ immediately from the Archbishop. But if the Election should be declar'd in general for *Both*, without distinguishing in particular for *Either*: Such a Method may be liable to Confusion, and to Invalidity. Again, when one Writ calls to *Westminster*, and the other to *Paul's*, and this too on the same Day; it may be question'd, whither the same Persons can be chose in that double Capacity; and be so oblig'd to an Impossibility of appearing in *Two* Places at *one* Time. Farther still, in the Larger Dioceses, which are

divi-

divided into several Archdeaconries, there may a Doubt arise how they shall chuse *Two* in every District, and yet return but *Two* (out of those Eight or Ten suppose) for the whole Diocese. If indeed the Proxies for the Clergy of each Archdeaconry meet before the Bishop or his Official, and agree upon two Persons to represent the whole Body of the Diocese: This would admit of no Objection. But if two Proctors should be absolutely chose to Parliament in every one of four or five Archdeaconries, and out of this number of eight or ten equal Proctors, the Bishop should appoint *Two*, and discharge all the *Rest*. This as to a *Convocation* or *Synod*, might by custom be very regular: But as to a *Parliament*, it might not seem so strictly Legal; because there is no Precedent for it in the Lay-Elections to Parliament: No Sheriff (suppose) lets the Free-holders chuse two Knights for every *Hundred*, and then takes *Two* out of *All* for the whole County. In fine, the Execution of the Writ (as I have before hinted) would depend much upon the *Return* of it. But under what Perplexities may the very honest Officials and Registers chance to be about the way of *Return* upon the Bishop's *Execution*? Shall the *Return* be made to the Archbishop? His *Grace* can receive no other Return, but that of the *Provincial Writ*; the Diocesan Writ not convey'd by *Him*, is not Returnable to *Him*. Shall the Return be endors'd upon the King's Writ of Summons? But that Writ is to be lodg'd in the *House of Lords*; and it is less proper in the Upper House to testify an Election for Members of some Lower House. Shall a Return of the *Concomitant Clause* be made separately from the
Princi-

Principal Writ? And shall such a separate Return be given in to the Clerk of the Crown? Will he think himself concern'd for any other Elections, than those of the Temporal Commons? Is there a way of lodging a Notification in any other Office? And will such a Notification be sufficient? Will it make the Lower Clergy be entred and received for the *Commons Spiritual of the Realm*? I am afraid, in a sharp Age and censorious of the Actions of the Clergy, some other Doubts and Difficulties might be rais'd, which the Wisdom of our Governors would think proper to decline, till they had met together, and agreed upon *common Measures*, for the Peace of the Church, and the Privileges of the Clergy.

VII. Mr. *A.* is pleas'd to observe many *Correspondencies* between the Lower Clergy and the Lower Laity call'd at the same time to Parliaments, sufficient to shew, that the Clergy brought to Parliament by the *Præmunientes* were to all Intents and Purposes, what They were long afterwards in the Rolls of Parliament call'd, *The Commons Spiritual of the Realm*, p. 40. The Lower Clergy were so call'd in respect of their giving Money, as every one of those few Instances produc'd does make appear. *Addend. p. 607.* And if Mr. *A.* would have the Lower Clergy to be now again warn'd to Parliament, that they may be the *Spiritual Commonalty* of the Kingdom; they must have the same Power of representing the Clergy as to their Property in *Spiritualities* or Ecclesiastical Benefices. They must do, as was before done, they must Tax Themselves and their Brethren. And I presume the Statesmen and the Lawyers will apprehend this to be the Design of a new Call of

A Design
for the
Clergy
to Tax
them-
selves.

the

the Clergy to Parliament, by the *Præmunientes Clause*, that they may thereby re-assume their Right of granting *Subsidies* and occasional *Aid* to the King. They once had such a Power distinct from the Laity, and they did exert this Power, as I have before hinted, to the Year 1663. when they soon after receded from it, and were content to be included among other common Subjects of the Realm. But perhaps the Clergy premonished to Parliament, and again becoming the Representatives of the *Spiritual Commonalty*, may think fit to claim the same disposal of their own Mony: And may plead, that tho' the exercise of this Right has been a while *suspended*; yet the Right it self is not *extinguish'd*: For that the Clergy receding by *Consent*, did not bar their Successors by *Law*. Rather, in the first Act of Parliament that Taxes the Clergy with the Laity, there is an expresse *Salvo* for this ancient Right of Commons-Spiritual, when they think fit to recal it. For it is *Provided* always, that nothing herein contained shall be drawn into Example to the Prejudice of the Ancient Rights belonging unto the Lords Spiritual and Temporal or Clergy of this Realm. But yet if these Politicks should take, and the Clergy brought to Parliament by the *Præmunientes Clause*, fall upon the old Methods of taxing their own Body; Would not the Temporal Commons think themselves concerned in this Separation of the Clergy? Would they hear of any other *Commons of England*, but themselves? Would they suffer any *Mony-Bills*, but their Own? Would they presently yield up a Practise of many Years, to a Claim of antecedent Right? And if the Clergy had Interest and Spirit to insist upon

on it, and would offer Subsidies in their own Name; yet might not the House of Commons at one time or other be pleas'd to Tax the Clergy, as well as the Clergy to Tax themselves? And would it be any Comfort for us to be under double Burdens, and under a double Obligation to bear them? Suppose the Best, that the Honourable House of Commons would recede from their Possession, and permit the Clergy to be again at their own Disposal; yet shall we deal much better with our Selves, than the Commons of *England* have dealt with us? Was not the very Method of the Clergy's Taxing by way of Subsidies thought a Grievance establish'd by Custom? To speak nothing of Dignities, were not the poor Vicars grievously oppress'd in the old Valuation of their Livings? If the Clergy of *England* should be fully restor'd to this seeming Privilege, would it not expose them more to the Corruption of some future *Courts*, and possibly to the Indignation of some future *Parliaments*? I scarce forbear thinking, that one Motive, which the Governors of our Church had in departing from this Right of giving their Mony, was some Prospect of Popery and Arbitrary Power. For the Times did come, when if the English Clergy had retain'd the Custom of Self-Taxing; they could not have possibly avoided the Displeasure of the Court, or the Odium of the People. We are at present Safe and Happy, if we know how to consult our own *Safety*, or how to prize our own *Happiness*.

VIII. I doubt, there is one more Danger in restoring the Execution of the *Præmunientes Clause*, which does very much affect the whole Body of the Rural Clergy, and their Influence

upon

upon the Publick Good ; which is *This* : All Parsons and Vicars have a Right to Vote for the *Knights* that are to Represent the Freeholders of the County. And this Interest of the Clergy gives them some Figure and Reputation among the Gentry and their other Neighbours. They have been some Ballance in Elections, and have promoted the Choice of most Worthy Members. And therefore, it is fit the Clergy should retain a Privilege of great Use and Service to *Themselves*, to their *Country*, and to *Religion*. But I am afraid, the Learned in History and Law will tell us, that this Priviledge may be in some danger upon Execution of the *Præmonitory Clause*. For while the Clergy did separately return their Parliament-Proctors, they were then fully represented by those Spiritual Commons ; and therefore could Vote only for their own Representatives, not for the Temporal Commons, who were then the sole Representatives of the Laity. This I presume was *Law*, that the Subjects of *England* could be represented in Parliament but in *one* of those two Capacities : And this was *Fact*, that the Incumbents of Parochial Churches (as such) did Vote only for the *Diocesan Proctors*, not for the *County Members*. Mr. Atterbury himself has to another purpose, referred to the *Decision of the Committee of Both Houses*, 21 H. 8. (*Moor's Report*, p. 781.) and of the *House of Commons*, 1 Mar. (*Hist. Ref* 1. vol. 2. p. 252.) that a Clergy-man could not be chosen into that *House*, because he was Represented in another *House*. They determined also, that a Lay-Man could not be of the *Convocation*, p. 72. The Argument holds on both Sides, as much for *Voting* as for *Representing*. It is in regard to this old distinction of Church and State, that some disaffected

It might
take away
the Votes
of the
Clergy in
County
Elections.

fect'd Persons have even since questioned the
 Votes of the Clergy in popular Elections for
 Knights of the Shire. But they don't consider,
 that our Right of *Voting* does depend on the
 Constitution of *Taxing*. While the Temporal
 Commons undertake to Tax the Clergy, as well
 as the Laity; they must be Representatives of
 the *One*, as well as of the *Other*. And with Sub-
 mission, it has not been determined, whether a
 Member of the House of Commons entring into
 Holy Orders, does thereby incapacitate Him-
 self from continuing still a Sitting Member.
 But I say, if the Temporal Commons Tax us,
 they must properly represent us: For it is a
 Fundamental Law of this Kingdom, that no
 Subjects shall be Tax'd but by their own Consent
 in Parliament. But then, if we change the
 present *Constitution*, upon which this Liberty
 of Voting does depend: If we will again be
 Represented by our *own Proctors* in Parliament,
 and send up our Consent to Taxes *by them*; we
 cut our selves off from the Lay Commons, and
 we can give them no Vote to *Represent* us, if
 we give them no Power to *Conclude* us. This I
 fear, would be adjudg'd *Law*; and upon such
 Division of Clergy and Laity would be soon re-
 duc'd to *Practise*. And then, tho' the Clergy-
 Men of Temporal Estates should be allow'd a
 County-Vote for such Temporal Estates: Yet
 the Incumbents of Parochial Churches should
 have no Suffrage in Right of those Churches.
 Which would be such a Lessening of the Clergy's
 Interest (to say no worse) that no Man is
 their Friend and Brother, who would hazard
 the retrieving of a Project so Injurious to them.

APPENDIX.

Soon after the first Publication of Mr. *Asterbury's* Book, I perus'd it with some Care, and saw by the general Light I then had, many rash and confident Assertions, which further Enquiries would Oblige him to *retract*. Some of the Mistakes I could easily have pardon'd as the common Fate of those who depend much upon other Men's Collections; But methinks that very Consideration should have induc'd him to be tender and cautious in delivering his Opinions; or at least have restrain'd him from that Air of Assurance, which runs through the whole Book.

When I heard that a *Second* Edition was intended, and that the Author since the Publication of the *first* had examin'd many *Registers* and *Records*, to which He was before a stranger: I doubted not, but these would *engage*, as I was sure they would *enable* Him, to reform a very Crude and unaccurate Work, and save Himself the Shame of an Examination from some other Hand. But it was no small Surprise to Me to find, that the *Addenda* (which were to contain all the differences between his *first* and *second* Editions) had so little in them of *Retraction*, that they seem'd rather a Testimony of his Resolution to maintain his

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Errors

Errors to the last. Yet turning to some Passages so notoriously False, that I knew they could not escape Him, I was undeceiv'd in Part, by finding them altered in the second Edition; but without the least Notice in the *Addenda*, that in these Instances he had been formerly mistaken. These Hints (together with the *Temper* of the Author, as it has discover'd it self in the management of this Controversie) gave me Reason to suspect the same kind of *secret Retraction* in other Parts of the Book. And upon comparing the two Edition, I found my Suspicion very well grounded; as the Reader also will understand by and by, from a Number of Material Alterations in Points of History and Law, not one of which He has mention'd in the *Addenda*.

Now, who would have thought that such little shifts and cautions could ever have been practis'd by the same Hand, that in the Preface had made such a specious show of fair and ingenuous Dealing. *Pref. to second Edit. p. xxxi.* These short *Additional Notes*, (rectifying what was amiss, &c.) together with the greater and more material *Enlargements*, I have caus'd to be Printed, not only in the course of this Work, but together also in separate Sheets, that the Reader who has the first Edition, may have what is requisite to Complete it, without going to the charge of a second. He will find, I hope, in those Sheets all the Alterations that are of Moment, none I am sure are designedly omitted there, except when the Change was in a few Words only, and then I did not think it worth either mine or the Reader's while nicely to observe it. When Mr. Atterbury speaks of changes in a few words only, he expects

expects no doubt that the Reader understands him of Alterations in *Phrase* and *Stile* only; which I agree with Him, had *not been worth either His or the Reader's while nicely to observe*. But if those few Words are so laid and contriv'd, as to reduce *General* to *Limited* Assertions; or to remove Customs and Usages, that he had confidently ascrib'd to *one Age*, to *another*: Or upon the whole matter to make real Retractions of his odd Opinions formerly advanc'd; and that too in Cases having an immediate influence upon the *Main Argument*: Then as *few as they are*, the World will not grant them to be such *indifferent* and *inoffensive* things, as He would make them. This is in Truth, Mr. *Atterbury's* Case, and I am mistaken if the Reflection of all Impartial and Ingenuous Persons will not be, that it had rather become him, as an *Historian* and a *Divine*, in Justice to the former Purchasers, and in Tendernefs to his own Honour, to have given every such Passage the Place that of right belong'd to it in the *Addenda*; and when he had discover'd his Errors, not to be ashamed to own his Conviction: Thus Modest and Candid Writers are always ready to do, but from assuming and confident Authors, so much Ingenuity must not be expected. They are too Big in their own Conceit, to seem to want *Allowances*; and are perhaps sensible that this *Positive* and *Imperious* way of Writing does not deserve any.

That I may not be thought to lay this Accusation upon an Innocent Man, let the Reader judge from the following Passages, whether Mr. *Atterbury* has us'd him so *fairly*, as his Preface pretends.

I. Edition.

II. Edition.

P^{Ref. p. 13.} A Reflection on Dr. Wake without any Marginal Note.

A Long Marginal Note to make that Reflection more Invidious.

Pref. p. 17. *Be let Perhaps into the secret Reason of the present Disuse of Convocations.*

— *Be let perhaps into the secret Reason of Dr. Wake's Plea for the present Disuse of Convocations.*

* This old way of expressing cast this Reflection upon the Government, that Reforming the Church of England by some Foreign Model was the secret Reason for the present Disuse of Convocations.

This new Turn diverts the boldness upon the Government, and casts the Odium upon Dr. Wake only.

Pref. p. 18. *Exposing the Weakness and Insincerity of his Attempt.*

— *Exposing the Weakness and Unworthiness of his Attempt.*

* How the word *Insincerity* comes to be softened into *Unworthiness* I cannot tell, unless Mr. A. himself be now satisfied, that Dr. Wake is not so *Insincere* as he rudely represents him.

Pref.

Pref. p. 25. He assumes a liberty of treating my Lord of Sarum without decency and reserve.

— He puts in these Mincing and Mollifying words. *Sure I am, that were I Conscious to my self of any One Indecent Expression, that had in this escaped my Pen, I would here readily retract it, and make such Honourable and Publick Amends to his Lordship's Character as becomes me.* Which yet are words in course, for throughout the Book he confirms all his former Reflections on his Lordship, and makes many Aggravations and Additions to them.

Pref. p. 27. *I have us'd the two last London Editions of Mat. Paris in composing these Papers, without saying when I refer to the One and when to the Other.*

* He leaves out the whole Paragraph, as being conscious, that for a Writer to quote two Editions of the same Book to the same Purpose, would look as if he had not on that occasion consulted *Either*, but that he had his Notes from two several Hands, as well as from two several Editions.

I. Edition.

II. Edition.

B. p. 6. *The 37th. Apostolick Canon orders that there shall be two of these Assemblies Yearly, one in Spring, and the other in Autumn.*

* He adjusted the old Provincial Synods to Spring and Autumn: that he might make them a Pattern to our Saxon *Folcmotes*, or half Yearly Parliaments, as He pretends 'em.

Pag. 8. *This must be understood of the time when Athon wrote, which was somewhat above an hundred Years after.*

Pag. 10. *Lyndwood therefore in his Gloss upon that part of a Constitution of Arch-bishop Arundel, where mention is made of their (i. e. the Inferiour Clergy's) concurring to it.*

Two of these Assemblies Yearly, one after Pentecost and the other in October.

* But he is now sensible that after Pentecost seldom falls in Spring time.

Which was about an hundred Years after that Rule was made.

* He was a little conscious that he had blundered in Athon's Age. But however little mends the matter.

Where mention is made of the Lower Prelates concurring to it.

* He is sensible, there might be some dif-

I. Edition.

II. Edition.

difference between the concurrence of the *Inferiour Clergy*, and the *Lower-Prelates*. And therefore he has deceived the Reader, as well as abused *Lyndwood*.

Pag. 11. *This indeed He (i. e. Lyndwood) would fain qualify, with a quando de eorum factis agitur; but is immediately oblig'd to add, vel quia eorum Concilium est necessarium. So that at last the Inferior Prelates are allow'd by Him to be necessary Counsellors in the Assembly.*

So that in that Case (and to that Case ordinarily all Synodical Affairs appertain) the Inferior Prelates are allow'd by him to be necessary Counsellors in the Assembly.

* Here he would have the Inferior Prelates necessary Counsellors in every Synod or Provincial Assembly.

But here he restrains them to such a Case only, tho' he utterly mistakes that Case, as well as the whole sense of *Lyndwood*.

I. Edition.

II. Edition.

Pag. 12. Nay, even at such times, when they had no distinct Proctors of their own to represent them, but sent up only Procuratorial Instruments by their Arch-deacons (as the custom was in the preceding Reign) yet still, &c.

Here he delivers it at large, as current and constant Custom.

Pag. 12. Marg. Not. As also Constit. Provinc. ad finem Lyndwood, pag. 15. where there they are by mistake plac'd at the Year 1261 instead of 1258.

When the Rural Clergy had no distinct Proctors.

(as the custom was often in the preceding Reign.)

Here he qualifies the custom, that it was often so, yet indeed this often was but seldom and really not at all, but when the Arch-deacons carried up the Rural Clergy's consent to Taxes, not their consent (as he falsely asserts) to Synodical Constitutions.

All this is left out, because it was a most abominable blunder. But then he should have let the Reader be satisfy'd in the mistake, as well as Himself.

Pag. 13.

I. Edition.

Pag. 13. A Margi-
nal reference to pag.
69. When there is no
Place, and no Author
to which he refers.

Pag. 15. *He* (i. e.
Lyndwood) adds *Metunc*
existente Prolocutore
ipsius Cleri.

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He corrects it thus,
Constit. ad Finem Lynd-
wood, pag. 69.

He tacks this
Note to it, *Where the*
Reader will find also a
very Notable Proof, that
the least word cannot be
altered in a Canon with-
out the consent of the
whole Convocation. But
this is a Note of his
own, not of Lyndwood's,
who says a certain
Word was altered by
common consent : but
does not say the least
word cannot be altered
without such consent.

Pag. 18. *Mr. Ni-*
cholson refers us to
Dugdale's Summons in
the Reign of Ed. 1. and
E. 2. Where there is not a
word to this purpose :
nor can there be ; for
Dugdale has no Writs
for Convocations, but
only for the Parliament.

For Dugdale's Col-
lection is of Parliamen-
tary Writs only. There
is one Writ indeed for
two

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Mr. *A.* was sensible, that he had here abus'd Sir *Will. Dugdale*, Mr. *Nicholson*, and his Reader; yet he wipes it off so artificially, that you are not sensible, he cries *Peccavi*.

Pag. 19. Margin. A Prohibition of *Geoffry Fitz-Peter*, Lord Justiciary to *Hubert* Archbishop of *Canterbury*: But how it was obey'd the *Annals of Lanercost*, (in *Bibl. Cott. Claud. D. 7.*) declare. *Hub. Arch. Cant. &c.*

two Arch-bishops to convene their Clergy, (See p. 77.) But besides that this does not take in the whole Body, it is not strictly speaking, a Call of the Convocation, but a Provincial Summons of the Clergy directly to Parliament.

But how it was obeyed, *Hoveden* in the following Passage informs us, *Hub. Cant. &c.*

It seems he had cited a Manuscript for a passage in a Printed Author. But he should have own'd this in his *Addenda*; Or else the Reader of his first Book must run to the *Cotton Library* to be satisfied: Whereas the Reader of the 2d. may stay at home, and turn to *Hoveden*.

Pag. 20

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Pag. 20. Sometimes the King himself has vouchsafed to Appear and Sit in Convocation, as in Arundel's Register Henry IV. is once remembered to have done.

In Convocation, when it was call'd for some extraordinary Cause, as in Arundel's, &c.

He was now sensible, that it was not ordinary for *English* Kings to sit in Ecclesiastical Synods : and therefore he made it an extraordinary Case, while he does not understand the nature of it.

Pag. 26. These are the high favours and indulgences, that have with a liberal Hand been bestowed on our Neighbours in Scotland, to the utter abolishment almost of the Civil Magistrates Supremacy in Church Affairs.

To the utter Abolishment of the Civil Magistrates Supremacy in Church Affairs.

It seems at the time of his first Edition, the King's Supremacy was but almost abolish'd.

But in the timing of this 2d. Edition it has an utter Abolishment, for which he Quotes an Act pass'd in

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in Scotland. There is indeed too little of the Royal Supremacy in Church Affairs left in Scotland, but yet it is hard to condemn it as *utterly Abolish'd*. However the more bold that Kirk has made with it, the more seasonable it is in our Church to assert it.

lib. Pag. 26. *The unreasonable Pretensions of an Holy Kirk, that acknowledges no Superior but Christ Jesus.*

The unreasonable Pretensions of an Holy Kirk, that sets up to be independent of all Human Authority.

Pag. 30. *The Commoners assenting and sometimes speaking; but so as rather to signify their Opinion, than give a Vote.*

Rather to signify their Opinion, than to vote upon the Level.

A Pretty artificial distinction, but I think in our present Houses of Parliament, where Members Vote at all, they *Vote upon the Level*.

Pag. 32.

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Pag. 32. *In magna frequentia Servorum Dei, Jourval. p. 761.*

In multa Congregatione Servorum Dei. *Jourval. pag. 761.*

There is no great odds in the meaning, but then he should have quoted the *sense* not the *words* of an Author.

Pag. 37. *In the Sixth of K. John when the King had a mind to have all the Abbots and Priors present in Parliament, He was forced to Cite them by the several Bishops of the Dioceses.*

He thought fit to cite them by the several Bishops.

This indeed is more decently exprest, because in all reasonable matters, a King should not be *forc'd* to do a thing, till He *thinks fit* to do it.

Pag. 40. *Their first Writs of Summons (i. e. Of Clergy and Laity) ran equally, ad Tractandum, Ordinandum, & Faciendum, and when the One Summoned ad Ordinandum only,*

Ad ordinandum only is now left out, that thereby a Blot may be easily fill'd up before it is hit.

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or ad faciendum & consentiendum, so did the other.

Pag. 40. The ground Ed. 1. had thus gain'd upon them (i. e. the Clergy) he kept throughout all his Reign : as appears by the Records of the Parliament (but the first whose Proxy Roll is preserv'd.)

(But the first, if not the only one, whose Proxy Roll is preserv'd.)

He had better have let the first Reading stand : For that might have been the first Parliament whose Proxy is preserv'd, but I assure Him, it is not the Only One.

Pag. 43. An Instance of such a Procuratorium for the Parliament I have seen as low as 1507. and another of an Execution of the Premunientes by the Bishop, yet lower in the Reign of

Edward

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Edward the sixth, tho' Returns had then ceas'd or at least were not entred.

The Returns had then ceas'd in great measure, or at least were not regularly entred.

Well distinguish'd between ceasing altogether, and in great measure ceasing. As also between Returns not at all Entred, and not regularly Entred.

P.44. This gave birth to the Custom of issuing out two Convocation Writs, when a New Parliament was to be chosen, which tho' set on Foot before, yet settled not into a Rule till some Years after Edw. III. was in the Throne; and then it was practis'd as duely and regularly, and in much the same manner as it is this day.

Which was practis'd irregularly at first, but settled afterwards into a Rule: So that in the beginning of Edw. III. we find much the same Forms to have been observ'd as now; and were the entire set of Convocation Writs preserv'd should find them perhaps to have return'd in his time near as frequently.

In these two ways of delivery there be many

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many Contradictions
which he endeavor
here to salve without
a syllable of any con-
fession of 'em.

P. 46. *It is a short and
sufficient Proof of it,
that the Words of the
Kings Writ to the Arch-
Bishop, ran, More solito
convocari faciatis.*

*It may go for a short
Proof of it.*

What was a Proof
before must now go for
one. And what be-
fore was *short and suf-
ficient* too, is now on-
ly *short*. He would
not have minc'd the
Matter thus, but that
he knew it was no Proof
at all. And yet He is so
Just as in his *Addenda*,
to throw in a very
tender Recantation.
p. 607. *More solito.*
*I cannot tell whether
these Words will bear all
the Stress that I have
laid on them.*

P. 48. *From 1 E. 6.
to this Reign the Clergy
have, I think, met al-
ways, and parted with-
in a day of the Parlia-
ment.*

*have, I think met gene-
rally and parted, &c.*

Generally is the fa-
fer word, for it was
not always so. P 49

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P. 49. *There have been no Deviations from this Rule that I know of, except in a Legatine Synod or two.*

Ib p. 49. *The two Houses of Parliament Sate together Originally, and so therefore did the two Houses of Convocation.*

P. § 1. *Bills of Money and Grievances (but especially the latter) began usually in the Lower House, here as well as there, had alike several Readings.*

II. Edition.

There have been no Remarkable Deviations from this Rule, &c.

From no Deviations to no remarkable Deviations is a good put off.

The Members of Parliament which now make two Houses Sate together Originally, and so did those of Convocation.

This the more accurately Express'd, because when the Lords and Commons Sate together, they were not two Houses; And so did those of Convocation, is better than so did the two Houses of Convocation, For they were not two Houses, and they did not Sit together therefore, or for that Reason.

had alike sometimes several Readings.

Z

For

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For that may *sometimes* happen that was not *always* so.

P. 52. See an Instance of Bishop Goodman, Sentenc'd to be depriv'd by the Convocation of 1640. for refusing to subscribe the Canons.

threaten'd to be depriv'd, and actually suspended by the Convocation, &c.

True! For a Man may be threaten'd before He is sentenc'd, and a Bishop may be suspended before he is depriv'd.

P. 53. A Question is said to have been carried for the Crown by 216 in the Upper House, whereas in the Lower 23 only were present, and but 14 of those for it.

This Number of 23. as better told out of *Josceline* than the other of 22. But it is false, that *those only* were present, or suppos'd to have been present.

whereas in the Lower, 22 only are supposed to have been present, and but 14 of those to have been for it.

There were a great many more Members really present in the Lower House, these 23 were only the Committee of Divines upon this Question of Divine Law: As there was

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was another Committee of Civilians and Canonists upon the other Question of Canon Law.

P. 54. *The Bishops with those Abbats and Priors, who were of some consideration amounted to several hundreds in Number out of which there is no doubt but 216 might be got to do the King's Business.*

out of which it is possible that 216. might be got, &c.

A safer way of wording, for the thing might be possible and yet there may be some doubt in it.

Ib. p. 54. *But 14 therefore of the Lower House could be prevail'd with to lend the King a Vote. This perhaps may be no improbable Solution, &c.*

to lend the King a Vote: Not that these 14. Compilers together with the other 9, were all that were then present, and so on with a long story, &c.

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Ib. p. 54. *At that Critical Juncture when the General Dissolution of Monasteries was threatened, and already in part begun.*

It seems the general Dissolution of Monasteries could not be yet *threatned*; for ought any Body knows it might be *thought of*, but it was by no means *already begun*. For all the Dissolution at this time was of some little Houses by Cardinal *Wolfey* with the Popes Consent, not one by the King in his Quarrel with the Pope.

Ib. p. 54. *I find numeral Mistakes in that (i. e. Antiq. Brittan. Edit. Hanov.) for instance, the Convocation in 1536. is said to meet Nonis Julii. instead of Nono [die] Julii, for it met not on the 5th but the 9th of July, as the Writ still extant shews.*

At that critical Juncture, when the Quarrel between the Pope and Him flaming high, and tending towards a Rupture, there were some Grounds to fear that a General Dissolution of Monasteries was thought of, as it had already been in part begun.

— p. 56. the Convocation in 1536. is said to meet *Nonis Junii* instead of *Nono* (die) *Junii* for it met not on the 7th but the 9th of June.

I: Edition:

II: Edition:

+ It seems he had not rightly Corrected *Josceline*, and therefore here he more justly Corrects himself.

P. 56. *This Writ issued by Authority of Parliament; for it recites an Ordinance made to this purpose in a Parliament held 4. R. 2. and is founded upon it.*

+ He has a Marginal Note to confirm his Assertion of Parl. 4. R. 2. and condemns the Writ. in *Fitz. Herbert* for making it 4 Ed. 3. but he left out this Note in his 2 Edit. and therefore I believe it was faulty.

Is p. 56. *Clergy Proxies themselves could appointed other Proxys in their stead, if their Instruments run cum potestate Substituendi alium Procuratorem as they often antiently did.*

p. 57. *This Writ issued by Authority of Parliament; for it recites an Ordinance, made to this purpose and is founded upon it.*

I presume then the Ordinance was not made in Parl. 4. R. 2. as he before asserted.

P. 58. *Cum potestate substituendi alium Procuratorem, as in Older times the Tenor of them commonly was, There-*

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There is a Marginal Note to confirm this in his *first* Edition, which is left entirely out in the *second*.

and is sometimes to this very Day.

P. 61. *The great deed of Entail in the 8. H. 4. by which the Crown was setted on his Heirs Male and which was witness'd by the great Men.*

P. 62. *The great Deed of Entail in the 8. Hen. 4. by which the Crown was setted on his Heirs without exclusion of the Females, and which was witness'd, &c.*

Some Lawyers had told him that a Settlement on Heirs Male was an *Entail Special*, but that Settlement of the Crown was an *Entail General*; and therefore he says, it was now setted upon the Kings Heirs, *without exclusion of the Females*, not so legally express'd.

P. 65. *Concilia Provincialia, which were Extraordinary Assemblies for Church Business only.*

p. 64. (as falsely pag'd) *Concilia Provincialia, which were Assemblies conven'd for Church business only.*

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The Phrase is well reform'd, for Provincial Councils were the Ordinary not the extraordinary Assemblies for Church Business.

Ib P. 65. Till at last Provincial Councils properly so call'd ceas'd Altogether, and Parliamentary Convocations came into their Room.

This Assertion is False, they did not altogether cease; they did but at most grow into Disuse, nor that neither, before the Reformation by Queen Elizabeth.

P. 66. When Warham therefore in 1509. did by his own Authority call a Synod, he stil'd it not a Provincial Council, but a Convocation of the Clergy.

p. 65. Till at last Provincial Councils properly so call'd, i. e. Assemblies of the Clergy out of Parliament time, and by a pure Ecclesiastical Authority grew into Disuse, and Parliamentary Convocations came into their Room.

P. 66. His Mandate styl'd it not a Provincial Council, but rather spoke of it as a Convocation of the Clergy.

The A. B. did not style it a Convocation as oppos'd to a Provincial Council, but he rather spoke of it as a Convocation, i. e. by some

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P. 68. *The Warrant to the Keeper of the Great Seal, ran thus in James the first's time, and I suppose runs so still.*

P. 69. *The Writs for the Convocation are it seems as usual, as those for the Commons; and the one Assembly, therefore is as Customary as the other.*

P. 72. *They determined (i. e. House of Commons i. Mariæ) that a Lay Man could not be of the Convocation. But in that Practise is against them. For the Chancellor of York tho' a Lay Man, is Now, and has been long*

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some *Innuendo* not by any *Expression*.

P. 68. *It ran thus in James the first's time, and should, I suppose, run so still.*

If he ever heard that it does not run so still, he is pretty bold to suppose that it should run so.

P. 68. *So that whenever the King will have a Parliament, the Writs for the Convocation are according to the Form of this Warrant, as Usual as those for the Commons.*

Restrictions are proper for a tender Subject.

P. 71. *A Lay Man not of Convocation. But since Chancellors may be Lay Men (by the 37 H. 8) the Practise has been sometimes otherwise. The Chancellor of York, tho'*

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long, a Member of that Convocation.

tho' a Lay Man has been often a Member of the Convocation of that Province.

Here is a considerable difference, enough for an acknowledgment if he had pleas'd to make it.

P. 73. There being no Instance to be given I believe, from the time of the Reformation down to that of our late Revolution, wherein a New Parliament has sat for any time without a Convocation to attend it.

P. 72. From the time of the Reformation down to that of the Late King James's Accession to the Throne, &c.

It seems the first Edition brings the Odium upon the Revolution; which ought to have been cast on the beginning at least of K. James his Reign.

P. 75. These Parliamentary Conventions of the Clergy have had their Meeting and departing fixed, within a day of the Assembling and Dismission of the Parliament, and that this Custom has now far above an Age and an half continued.

P 74. Above an Age and half continued uninterrupted,

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interruptedly, except in a very few Instances.

This indeed lays in an Answer to the many Instances that can be given to the contrary.

P. 79. *The draught of a Canon, so it be done only in a Preparatory way, and with submission to the Royal enacting Authority.*

P. 78. *With Submission to the Royal Authority.*

There is a plain Meaning in having the word *Enacting* cast out.

P. 82. *Thus both the Clergy and Laity were unawares at the King's Mercy.*

P. 81. *Thus all the Clergy and good Part of the Laity were unawares, &c.*

Ib. p. 82. The Clergy not admitted to pardon gratis, but forc'd to ransom themselves by a good round Sum for those times, and by an acknowledgment in Convocation, that the King was Supreme Head, together with the Submission and Petition recited in the

It is good to distinguish the whole from a part.

P. 81. By a Solemn Recognition of the King's Supreme Headship in the Preamble of the Instrument, by which their Grant was made.

He leaves out the Submission and Petition.

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Preamble of the Act, we are discoursing of.

on, because he knows he was grievously mistaken in the timing of them.

P. 99. *He (the Lord A. B.) must before he passes any Act of the two Houses, have the King's Assent to it and after it is pass'd, there must be the King's License also to promulge and Execute it.*

P. 131. *After it is pass'd the Royal Power must come in also to promulge and execute it. He will let the Royal Power come in, but not to give the King's License.*

P. 100. *The methods of Proceeding in Convocation, continuing the same for near threescore and ten Years after the Act.*

P. 131. *continuing much the same.*
The surer Expression for things at large may be said to be *much the same*, tho' in particulars, they differ much.

P. 108. *Petitions of the Clergy in Convocation, 1542, de venedis-Beneficiis.*

P. 839, 3. *de Un-
endis parvis Beneficiis.*
For

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I. Edition:

For it seems, it was not about *selling* Benefices, but about *Uniting* those that were too small.

P. 111. That Long Address (miscalled by Fuller the Protestation.)

P. 141. called by Fuller the Protestation, not *Miscall'd*.

Ib. Which the Lower Houses offered to Henry 8 himself after the passing of the Statute.

Ib. Which the Lower House offered to the upper, after the passing, &c.

P. 114. It appears That the 25. H. 8. c. 19. has not in the least infringed this Right, as far as the Lower Clergy are concerned in it.

This Paragraph is wholly omitted in this 2d Edition, as Improper, because indifferently true.

P. 123. These Researches might have been spar'd, [in Margin] *Veteramenta omnia, detrita jam & repetita millies,* says Dr. Andrews, (Tort. Tort. p. 173.) of some of those very Instances, which 90 years

This Marginal Note is likewise expung'd, because Mr. A. I presume is now sensible, that Bishop Andrews spoke of the Arguments which the Papists

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ago it seems were grown
state, tho' Dr. Wake
produces 'em now with
such Pomp and pleasure.

produc'd against the
King's Supremacy,
and which Mr. A. him-
self has dress'd up new
for a new Cause.

P. 163. K. James re-
commended to them the
framing of a Canon in
behalf of what was hi-
therto Authoriz'd
(Church Musick, and
Organ Service) by pra-
ctise alone, and by the
Queens Injunctions.
[Sparrow. p. 80.]

P. 171. And by some
general Expressions in
the Queens Injunctions.

If the Practise had
been Authoriz'd by
the Queens Injunctions,
it would not have ap-
pear'd so Ambiguous,
as to be gathred only
from some general Ex-
pressions.

P. 179. The King in
1540. committed it (In-
stitution of a Christi-
an Man) to several Bi-
shops and Divines, (All
Members of Convocati-
on.)

P. 187. (All, as I
take it, Members of
Convocation.)

Those Divines were
not all Members, and
there-

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therefore he takes it wrong.

P. 187. *The name of the Prolocutor, is mistaken: For it was Joh. Tayler Dean of Lincoln, not J. Tyler; who had been Prolocutor thirty two Years before the Convocation of 1515, where his Lordship takes notice of him with Indignation.*

P. 196. *The name mistaken: For it was not J. Tyler, but Jo. Taylor Dean of Lincoln, of which name I also find a Prolocutor 32 Years before in the Convocation of 1515, and find his Lordship there again in the same manner miscalling him.*

Here be three or four round Blunders notably reconcil'd without making any noise of them.

P. 196. *This Catechism published with the Articles of 1552 was compiled indeed by Poynt.*

P. 206. *It is thought indeed to have been compiled by Poynt or Nowel.*

This first Assertion is more true than the second Conjecture.

See *Stripe Memor. Cramer. p: 294*

P. 197

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P. 197. (Marg.) *But in the King's Letter to Bonner about it, the Words are —*

p. 206. *But in the King's Letter about it to Fox Bishop of Hereford, the Words are —*

P. 209. *These and no other must be Summon'd to Convocation.*

p. 218. *Those and no other on their behalf must be summon'd.*

P. 215. *Two Provincial Synods, According have for near 400 Years past constantly thus attended the Parliament.*

p. 224. *have for near 400 Years past thus attended.*

But now by his confession not constantly attended.

P. 220. *The Case was thus, the Bishops and their Clergy were summon'd to a Synod at London, by an Injunction from the Arch-Bishop, in which they were commanded also to meet at another time and place appointed by the King; and that they might be so to do, Letters of Citation are directed.*

p. 229. *at London by a Precept from the Arch-Bishop, and then by a second Mandate of his were ordered also to attend at a certain time and place appointed by the King, and these second Letters of Citation.*

The Case is altered, and the Reader should have been told of it. P. 222.

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P. 222. *Hitherto then the Clergy were so far from meeting Nationally with the Parliament, that the lower Part of the Parliament seems to have divided sometimes to accommodate it self to the Provincial Meetings of the Clergy.*

P. 224. *In that part of the Writ, which commands the Bishop to attend.*

p. 231. *Hitherto the Clergy met not Nationally with the Parliament, nor indeed did the lower Part of the Parliament it self always in those days meet Nationally, but sometimes by Counties, and in the present Instance by Provinces.*

The Accommodation is quite lost; for if the lower Laity yet a standing Part of the Parliament met sometimes by Counties, they could not so divide themselves to Provincial Councils.

p. 223. *which commands the Guardian of the Spiritualities to attend.*

For it seems the Statute was void, and there was no Bishop to be commanded.

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P. 229. He refers in the Margin to a Procuratory dated 3. Apr. 1307.

p. 238. dated 3. Octob. 1307.

P. 229. The Clergy desire, they may be Resummond in a Regular manner by the Arch-Bishop, without any Interposition of the Civil Authority, which was granted.

This Conclusion (which was granted) is left out upon second Thoughts.

P. 233. When the Procuratoria were drawn in relation to the Premunientes alone, they ran — when the Provincial Summons went out also, the Clergy's Powers ran, ad tractandum cum venerabili Patre — Prelatis & Clero necnon ad consentiendum, which answered both Citations]

p. 243. Which may be suppos'd to have an Eye to both the Citations.

He should have been ingenuous and confess the Clergy did not always answer both Citations; if they made a Return to the Provincial Writ, it was sufficient if in that one,

A a they

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P. 233. (Marg.) *An Instance of this kind also I have met with Anno 1323.*

they were suppos'd to have an Eye on the other.

p. 243. *An Instance of this kind also (if I may rely on some Extracts I have seen) is to be met with.*

I doubt the Instance will not hold, because he is shifting it off; Yet I believe he might have relied on those Extracts from these Registers of *Lincoln*; if he were not mistaken in his own transcribing from 'em.

P. 236. *No Parliament ever met without a Premunientes after the 6. Edw. III.*

p. 246. *No Parliament, I think, ever met.*

I am afraid, he did think otherwise.

P. 237. *The Arch-Bishops Writ which went out concurrently with the Premunientes.*

p. 246. *When it went out concurrently.*

A restriction from *Always to Now and then.*

P. 238.

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Pag. 238. *Not many Years after this (33. 36 Henry VIII.) the Custom of Returning Proxies to Parliament in Form, did, I believe, cease.*

p. 248. *Under Hen. VIII. the Custom of sending up these Proxies to Parliament did I believe generally (tho' not altogether) cease.*

Ib. *I should choose to fix the Time of this Total Disuse not far off, of the VIth or VIIth of Henry the VIIIth.*

p. 248. *I should choose to fix the Time of this Disuse's beginning to prevail, not far off.*

P. 239. *From which (Premunire) they (the Clergy) ransom'd themselves by a Submission, fourteen Years afterwards.*

p. 249. *by a Tax and an acknowledgment of the King's Supreme Headship, 14 Years afterwards.*

For as to the Submission, he was entirely out in the time of it.

P. 239. *The lower Clerks had no Place in the House of Commons, not only at the Period assign'd, but for an hundred Years before it.*

p. 249. *not only in the Reign assign'd, but for several Reigns before it.*

A a 2 P. 239.

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P. 239. *No Instance
is given of a New
Parliament Summon'd,
without a Convocation to
attend it, from the Times
of the Reformation, till
some Years after the late
Revolution.*

P. 242. *In the first of
Queen Elizabeth there
was, we know, a warm
Dispute whether the O-
mission of the Title of
Supreme Head in the
Writs of Summons, did
not null the Proceedings
of those Parliaments.*

P. 250. *The Provin-
cial Summons, — this too
has been regularly issu'd
out, as often as a new
Parliament was call'd,
from the latter end of
Edw. II. till now, with
few Exceptions to the
contrary.*

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p. 250. *of a New Par-
liament Summon'd and
Sitting for any time,
from the day of the date
of this Remonstrance,
till some Years.*

The variety of Ex-
pression betrays some
various Meaning.

p. 252. *a warm Dispute
that began in Queen Ma-
ry's time renew'd.*

The Dispute indeed
was in that former
Reign, and scarce so
much as renew'd in
this latter.

p. 260. *with sundry ex-
ceptions, indeed to the
contrary in the elder
Times.*

He fancied there
were but few Excepti-
ons, but now he has
found sundry; and I
could

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could shew him *sundry*
more.

P. 251. *It has Perpetually been the Custom to issue out these Writs to the Arch-Bishops, whenever Writs went out for the Parliament.*

p. 261. *It has for some Ages been the Custom.*

This is fair, because it has not been Perpetually the Custom.

P. 259. *A yet greater Liberty was indulg'd and taken in some of the succeeding Reigns, till in Henry the Eighth's time.*

p. 269. *till toward Henry the Eighth's Time.*

P. 264. *There are Instances indeed when they have gone on further.*

p. 274. *There are several Instances indeed, when they have not gone much further.*

P. 265. *That Convocations should meet purely to be Adjourn'd, this Custom We know is but nine Years Old.*

This to a Year brings the Odium upon our late Revolution, and our Present Government.

p. 275. *this Custom we know is not many Years Old.*

He knew it was so in former Reigns, even more than in the Present.

A a 3

P. 277.

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P. 277. *That the Convocation were employ'd, or at least Sitting, and in a Readiness to do Business, as it should happen, appears from the Bishop of St. David's Speech in 1604. about the Use of the Cross (which shews that Matter was then Redebated,) &c.*

P. 282. An Account of the Council of Cloveshoe is confidently cited from *Almsbur. l. 1. p. 197.*

P. 284. *To distinguish these (i. e. Ecclesiastical Synods properly so call'd) from the Mixt Saxon-Councils — This is an imaginary distinction, for which there is no foundation in History.*

All this Story of the Bishop of St. David's Speech is omitted in this *Ild Edit.* because it was frivolous and false.

p. 287. A long Marginal Note, inserted in this *Ild Edit.* not to be found in the *Ist*, beginning, *this Message, &c.*

P. 312. the same words are more humbly quoted from *Spelman. Conc. Vol. 1. p. 295.*

P. 314. *For which (as applyed in the present case) there is no foundation in History.*

If

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If the Parenthesis here do not save his Credit, He ~~did~~ before deceive Us. For I have prov'd there was more than an *Imaginary Distinction* between Ecclesiastical Synods and Mixt Councils in the *Saxon* times. He wounds all Religion and Government by pretending the Contrary.

P. 287. *The Saxon Chronicle affords us one of these Instances which belong'd to the Church of Peterborough, and was fram'd A. D. 664.*

P. 317. *is said to have been fram'd A. D. 664*

People imagine that he was conscious, *it was not so, but only said to be so.*

P. 297. *Hen. I. time, a Parliament met at London.*

P. 327. *Met at Westminster.*

P. 299. *With these Accounts agree those*

A a 4

which

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which Gervase of Dover has given us.

P. 308. *And the Steps by which the Commons Parliamentary Interest grew to the full heighth, wherein we find it toward the latter End of Henry III. were such as these.*

II. Edition.

P. 239. *Which Gervase of Canterbury has given us.*

For it was indeed a wretched blunder to construe *Gervasius Dorobernensis Gervase of Dover*. A very School-Boy knows, that when *Audito Rege Doroberniam proficisci* was put into the Grammar, the King went no further than Canterbury. If Mr. *A.* had known any thing of that Place, or that See, or that Author, He could never have took *Dover* for *Canterbury*.

P. 338. *were (in respect of the Representatives of Shires) such as these.*

He had before made the Commons Interest in Parliament to be at the full height towards the

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the End of *Hen. III.*
and yet **Poor** Popular
Man, **he is** now sensi-
ble **that** the *Commons*
had then only their *Re-*
presentatives of Shires,
not their *Citizens* or
Burgessees then sum-
mond.

P. 310. *In which*
Year also Wyke's words
are —

P. 340. *And the Year*
afterwards, Wyke's
words are.

A Year in ordinary
Matters may break no
great Squares; but in
History and Politicks
it may be of great im-
portance.

P. 311. 1285 *Circa*
Festum. S. Mich. &c.

P. 341. *The same year*
(1282) *Circa Festum*
S. Mich.

Here was a worse
mistake of three years
distance from the
Truth.

P. 314. *The Printed*
Annals of Burton,
which were written
at the very time when
this Charter was
fram'd. (i.e. 42. H. 3.)

P. 344. *Which were*
written about the time,
i. e. Not at the very
time

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time, but some Years
after.

P. 318. *The first part
of which seems to refer
to this Assembly, as a
Synod of the Province;
and the latter as a Con-
vention of the Clergy,
held for State Ends, in
time of Parliament.*

P. 348. *The Ist part of
which seems chiefly to re-
fer to this Assembly, as a
Synod of the Province, and
the latter to have an Eye
to it also as a Conven-
tion of the Clergy.*

He need not have
so trimm'd the matter
in a different way of
Expressing it: For the
Fact is false, it was a
pure Provincial Synod,
and not so much as in
time of Parliament.

P. 351. A Note be-
ginning, *In pursuance
&c.* is inserted here
and wanting there.

P. 330. *That was re-
ally no Parliament from
whence they (the Cler-
gy) were excluded.*

P. 360. *No Parlia-
ment properly so call'd.*

Mr. A. may come
in time by his Princi-
ples to assert, that a
Parliament of England
from whence the low-
er Clergy are exclu-
ded is *no Parliament*, or
at

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at least *no Parliament properly so call'd.*

P. 332. 13. Edw. II.

The K. is said ad requisitionem Prelatorum & Cleri Regni nostri, then sitting to have Prorogu'd the Parliament.

p. 362. (*then Sitting, we may presume*) *to have Prorogu'd the Parliament.*

He would not have put in *We may presume*, but that there is no grounds so much as *to presume it*: For there could be no Members *then Sitting*, while the Parliament had not yet met, nor *Sate at all.*

P. 335. Words of

the Articuli Cleri 10 Edward II. *And I the rather produce them at length (as Sir William Dugdale copied them from a Cotton M. S. and from the Arch-Bishop's Register.)*

p. 366. *I rather produce them at length (as they ly in Lyndwood and the Arch-Bishops Register.)*

He had better have took Sir William Dugdale's Copy, if he knew where to find it, than to take the Words
as

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as they ly in *Lynwood*,
because they do not ly
in that Author, but
only in an Arbitrary
Appendix to one Edi-
tion of that Author.

P. 337. *In the same Year
a Constitution of Simon
Ileap, &c.*

p. 367. *In the same
Reign a Constitution,
&c.*

Because *Edward III.*
Reign'd above fifty
Years, therefore it is
safer to speak of a
thing as done in *that*
Reign, than in any one
Year of that Reign.

P. 337. *Modus te-
nendi Parliamentum,
I call it Antient because
Mr. Selden himself, who
first discovered it to be
not of the Age it pre-
tends, says, he saw a
Copy of it in an Hand
of Edw. III.*

p. 367. *Mr. Selden
seems to own that he saw
a Copy of it.*

What *Mr. Selden*
may seem to own I can-
not so well judge, but
I think, he does
not say so.

P. 340. *Protestations
of Clergy against Bills
in Parliament, these
ran*

p. 370. *these ran it may*

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can indeed sometimes in the Names of the Arch-Bishops alone, but were however made on the behalf of their Suffragans also, and of the whole Clergy in their Provinces.

be, in the Names of the Arch-Bishops alone.

And it may be not. For such Protestations never ran in the Name of the two Arch-Bishops alone, or any one of them; but in the Name of them their Suffragans, and Prelates too. Indeed not in the Name of the lower Clergy, as Mr. A. would now have them run; But Wisdom is never out of Season.

P. 343. In the 21. Hen. VIII. the Summer before the Clergy's Submission.

p. 373. In the 22. Hen. VIII. less than two Years before the Clergy Submitted.

lb. p. 343. There is another Mandate of Bonner Issu'd about two Years before this 32. Hen. VIII.

p. 373. There is another Issu'd three Years before this, &c.

About two Years in Mr. A's computation is seldom less than one or three.

P. 343. 32. Hen. VIII. the first time, for ought

appears,

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appears, that the Clergies Subsidies were confirm'd by Parliament.

P. 346. *A Petition of the Clergy 7. R. II. n. 53. thus answer'd, the King will charge the Clergy to amend the same. It related to the Extortions of Ordinaries for the Probates of Wills.*

P. 354. *The Right and the Practise of the Clergy convening has still continu'd the same, without being ever, till now, interrupted or disputed.*

II. Edition.

p. 373. *were formally confirm'd by Parliament.*

If he had meant the same thing, the same Expression might have stood.

p. 376. This relation to the Ordinary's Extortion is left out, out of Kindness to the Ordinary's, or out of stricter regard to Truth.

p. 384. has still continu'd in great Measure the same, without being ever till now thoroughly Interrupted or Disputed.

A most rude Reflection on the present Government, and not much Qualify'd, now He sets his Name to it.

P. 355.

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II. Edition.

P. 355. *Had Dr. W. given us a List of Parliaments antiently held without Convocations.*

p. 385. *of Parliaments antiently held without concurrent Meeting of the Clergy.*

It was time for him to distinguish between Convocations and Meetings of the Clergy.

P. 366. *One of those Subordinate or Subaltern Commissions, which had respect to a Superior One, as his Lordship upon another Occasion (Vol. II. P. 347.) very properly distinguishes.*

p. 396. *Subaltern Commission of which his Lordship says (Vol. I. p. 181.) That he found a Copy in the Prerogative Office, and appears there to be well aware of the tenor of it, however he happens here not to distinguish it, from the Superiour Commission given to Cromwell.*

My Lord of Sarum had hard Fortune to fail in his Attempts of serving Mr. Atterbury, for now his Lordship must be reprov'd for being in the Right, and for being in the Wrong. His Lordship was not aware, and He was well aware. His Lordship did very properly distinguish, and yet did not distinguish. It is all one what a Man says, if another has a Mind to catch his Words.

P. 368.

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II. Edition.

P. 368. *The President (of Convocation) declar'd by word of Mouth the King's Pleasure; And this Verbal Intimation was all the Previous Leave that was either ask'd, or given in that or several other succeeding Reigns.*

P. 376. *A Copy of the Directory prescribing the Method of opening Convocations, I call this Paper Arch-Bishop Parker's, because by the Company I find it in, I have reason to conclude it so to be: However it was certainly drawn up since the Beginning of Queen Elizabeth's Reign, for there is no mention in it of the Mass or of Abbats and Priors, and it is of use therefore to prove the Practise of those Protestant Convocations whsch we are enquiring after.*

p. 398. *This Verbal Intimation was, as far as I can find, all the Previous Leave.*

How comes in as far as I can find? When Moderate Readers have now found the contrary.

p. 406. All this gloss upon the Directory for the manner of opening Convocations is left out in this II. Edit. because in the first it was asham'd of it self. For Mr. A. had call'd it a *Directory of Arch-Bishop Cranmer's* and yet in the same breath and Page, He says again, *I call this Paper Arch-Bishop Parker's*, and so I believe it was, and therefore He might let it stood have in *this last Edition.*

P. 378.

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P. 381. [Marg.] But it might have been presum'd, that the Bishops did in this instance sign one Copy by themselves, and the Clergy of the Lower House another, that has since perished.

P. 483. A Proclamation, directed not to the Clergy in Convocation; (for they met not till some Months after the date of it.)

P. 391. It does not appear that the Grant of this License was really founded on that Statute.

P. 411. The Clergy of the Lower House another, as it is manifest they did from their original Subscriptions in Parchment, &c.

P. 419. They met not till near six Weeks after the date of it.

Some Months had been at least eight Weeks after.

P. 429. After those Words in this Second Edition, there follows a long Paragraph, beginning, On the contrary it is certain, &c. which should have been honestly put into the Additions.

P. 432. The Exposition before given of the Latin Title, and of the Submission Act it self, is fully confirm'd by this English one, where there is, we see.

These Words too, are neither in the first Edition, nor in the Addenda.

P. 402. By the Statute of the six Articles, and another enforcing it. (35 H. 8. c. 1.)

P. 443. By the Statute of the six Articles, and another, qualifying it the year afterwards.

B b

P. 403.

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To allow for the time, I doubt one Act that *qualifies* another, does not properly enforce it.

P. 403. *The first Step.*

P. 443. *One of the first Steps.*

P. 409. *Doctor Confusion's Tables; came not out exactly as their Author left them, and particularly were in the second Position, [Nec tractari nec determinari potest aliquid in Synodo, nisi consentiente & assentiente Principe,] adjusted to the Practice of the Synod in 1603, either by the Editor, or by the Owner of that Copy, from whence the Edition was made.*

P. 450. *They were in the second Position brought to some Agreement with the Practice of a License then beginning to obtain.*

To adjust any Opinion to a present Practice, is a dishonest Trick; and therefore Mr. A. in his first Edition makes the Editor and the Owner to be very Knaves. And if in this second Edition he thought they were not so, he should have begged their Pardon, as well as eat his own Words.

P. 410. [Marg.] *And under this Reading, it is imply'd, that both the Request and Consent were verbal.*

P. 450. This Note is left out, because it would not hold good.

Ib. 410. *That License it self does not go so far as this second Assertion.*

Ib. p. 450. *Does not go quite so far as this second Assertion strictly taken.*

Restrictions and Limitations open a way to a safe Retreat.

Ib. P. 410.

I. Edition.

Ib. P. 410. Dr. Zouch rely'd implicitly on Cousins's Tables, and from them thus interpolated, transcrib'd these Positions verbatim.

P. 417. Leave under the broad Seal, it is confess'd, must be had to order and settle any Difference arising about old Canons and Constitutions.

P. 436. But it may be the Abbats, Priors and Deans that held not by Barony are Dr. W's inferior Clergy.

P. 439. And indeed near half the Convocations in that Prince's time (Hen. VIII.) met, (as they did till the present Reign) nicely the day after the Parliament.

II. Edition.

P. 450. And from thence transcrib'd these Positions almost verbatim.

If Dr. Zouch was a Transcriber of other Men's Words, it seems he transcrib'd as Mr. A. himself does most of his Citations, not *verbatim*, but as it were almost *verbatim*.

P. 460. Leave from the Crown it is confess'd, must be had-----

P. 481. But it may be the Abbats and Priors that held not by Barony, together with those five Deans.

If he had not thus chang'd the Expression, he must have been thought to run upon this Absurdity, that there were some Deans in England, who held by Barony.

P. 484. Met (as they did for the most part till the present Reign)

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P. 441. *The Archbishops --- call'd Provincial Councils, before any of them were the Pope's Legates, which from St. Austin down to Theobald say some, to William de Corboyl say others, none of them were.*

P. 441. *And one of his Successors (Hubert) who is suppos'd by some to have got the Title of Legatus natus for ever annex'd to his See, did jure Legationis visit York Province.*

P. 444. *The custom of Bishops sending inferior Clergy-Men to represent them; --- to be sure had its Rise when they were together.*

P. 485. *From S. Austin down to William de Corboyl---*
Theobald is justly left out.

P. 485. *The supposition of getting such a Title is left out.*

P. 488. *Probably had its Rise. More modest.*

The various *Lections* had not been given to the Reader, but that they are the Due and the Justice which Mr. A. denied to him. Upon the second Edition of his Book, as a Christian and a Scholar, he should have printed all the occasional Insertions and Omissions in it; he should have mark'd them in each Page; or at the End, he should have made some sensible Reference to them. Whereas, in the Additional Part of his Preface, he never owns any one Mistake of Thought or Word in his former Book, nor tells you of any one Passage to be expung'd

or corrected. He only boasts of his disappointing the *Curiosity of such Persons as had been entertain'd with the Discourse of many Retractions which would be made in this Edition, of what he had advanced in the former.* Those who expected such *Retractions* were his kindest Friends, next to those who supplied him with Matter for them. But the Author was Great and Well-assur'd; he would seem to repent of no Expression, to drop and leave out nothing, but only to be on the confirming and improving hand. He contents himself with adding a few *Supplemental Remarks here and there*: ---- And these *short Additional Notes, together with the greater and more material Enlargements, he has caus'd to be printed, not only in the course of this Work, but together also in separate Sheets.* But upon Ingenuity, he should acknowledge, where he has curtail'd, as well as where he has enlarg'd; and vouch his Omissions and Corrections, as well as his new Observations: Or else I am sure, it cannot answer the End, which he in common Justice does propose, *That the Reader who has the first Edition, may have what is requisite to complete it, without going to the charge of a second.* For when the Purchaser of the first Book has been encouraged to buy the *separate Sheets*, he has not the true State of the Controversie, nor a just Account of the two different Editions. He is *disappointed*, and so far *defrauded*. But I have endeavour'd in some part, to make him satisfaction, by directing him to those Places where considerable *Variations* have been made; and

most of them *reasonably* made, if they had been ingenuously acknowledg'd.

There is one Slander cast and confirm'd up-
on the *Government*, by Mr. A. in his two
Editions, that were it true, would be a Shame
and Odium to the *State*, or at least to the *Min-
isters* of it: That is, That whereas in all
former Reigns, the *Writs for Convocation*
have been as constantly issu'd out, as *those*
for Parliament: The Design of this Reign
has been to divide the two Bodies, which
Custom had so long join'd together, and to
hold *Parliaments*, without the *Convocations*
before concurrent with them. This is over
and over directly affirm'd, and still more
frequently suggested by Mr. A. in his Pre-
faces and in his Books. Upon which, the
Tradition has run current, That upon a cer-
tain calling of a New Parliament, the Writ
for the Province of *York* was detain'd or
suppress'd, for a design'd Example to the o-
ther Province at some other Opportunity.

If the whole Story be meer Invention and
Falshood, the World ought so to understand it,
that the Government may lye under no invi-
dious Reproach; and that the Great *Mini-
ster* who then presided, and the Officers sub-
ordinate to Him, may not be accus'd of any
Neglect or Omission of their Duty. To
these honest Purposes of Peace and Truth,
I shall here give the Relation of that Matter
as credibly taken, and solemnly to be attested,
if Occasions so require.

*When the Parliament was summon'd to meet
on the 24th of August 1698, the then Lord
Chancellor gave Orders to Thomas Chute*
Esq;

Esq; Clerk of the Crown (whose proper Office it is,) to prepare two Writs (to bear Teste, 13 Jul. 1698.) One directed to the Lord Archbishop of Canterbury, the other to the Lord Archbishop of York, for summoning a Convocation of their respective Province, returnable 24 Aug. 1698. Which Writs were prepared, and brought by Mr. Chute's chief Clerk, Mr. Walsingham Gresly, to be seal'd, and were both together seal'd with the Great Seal, and then delivered back to the said Mr. Gresley, to be carried to his Master the Clerk of the Crown, who is the proper Officer to receive them. And Mr. Gresley gave a Receipt under his Hand for the said two Writs, to the late Lord Chancellor, bearing date the 14th July, 1698. This is what was regularly done by the said late Lord Chancellor, with respect to the Convocation summoned to meet together with the Parliament, which was before called, viz. that Parliament which was to assemble the 22d of November: And is as much as was incumbent on the said late Lord Chancellor to do, or was ever done in the like Case by any of his Predecessors. And upon the several Prorogations of those two Parliaments, the like care was taken to seal Writs for the respective Provinces, which were delivered back to the Clerk of the Crown, or to one of his Clerks that appear'd for him.

The usage has ever been, That the respective Archbishops have always had their proper Agents to attend the Clerk of the Crown, and receive their several Writs from him, and give him a Discharge or Receipt for it.

This is well known: And Mr. Tillet,

B b 4

— Agent

Agent for his Grace the Archbishop of Canterbury, did always (accordingly) attend the Clerk of the Crown, and receive the Writs for summoning and proroguing the Convocation of that Province.

But it so happening at that time, that the Archbishop of York had no proper Agent, that came to demand of the Clerk of the Crown, the Writ for the Province of York. The Clerk of the Crown did thereupon desire Mr. Tillet to receive the Writ for York Province, and convey it at his leisure and discretion; but the said Mr. Tillet did not think proper to meddle with it.

Since the late Lord Chancellor delivered up the Seals, there have been five Prorogations of the Parliament, and at each same time, a Writ seal'd by the present Lord Keeper, for proroguing the Convocation, as well for the Province of York, as for that of Canterbury; and the said Writs, according to the constant course, as soon as seal'd, have been deliver'd back to the Clerk of the Crown, in whose custody they are and ought to be, till a Person authoriz'd by the respective Archbishop, come and receive them from him, and give him a Discharge for 'em.

If this Account be not true, Mr. A. will soon disprove it; if it be true, he is bound to confess, (if Confession may timely serve,) That his Complaints and Aggravations about dropping the Provincial Writ for York, will not bear any hard Reflection on the Government; nor on any Great Minister of State; nor on any subordinate Officers of the Crown: But if it did so happen, that it was dropp'd in the Conveyance;
this

this did so happen without any Design, or any Default on *their side*. And if it did so happen *through Forgetfulness no Doubt*, as he words it with another Meaning ; yet the Persons more immediately concern'd in the sealing and delivering of that *Writ*, were not so much as *forgetful* of their stated Duty, and the customary Practice.

Because one Part of my Dispute with Mr. A. is the *Præmunientes Clause*, and the expedience of a present Execution of it ; it will be therefore proper to give a true Copy of the first Writ from the Crown that ever had this Clause included in it ; with some few Observations on it.

Clause, 23 Ed. 1. M. 3. Dorf.

De Parlamento tenendo apud Westmonast.

Rex venerabili in Christo Patri R. eadem gratia Cantuariensi Archiepiscopo, totius Angliæ Primati salutem. Sicut Lex Justissima provida circumspèctione Sacrorum Principum stabilita hortatur & statuit, ut quod omnes tangit ab omnibus approbetur ; sic & innuit evidenter ut Communibus periculis per Remedia provisa communiter obvietur. Sane satis nostis, & jam est ut credimus per Universa Mundi climata divulgatum, qualiter Rex Franciæ de terra nostra Vasconiæ Nos fraudulentè & cautelose decepit eam Nobis nequiter detinendo. Nunc vero predictis fraude & nequitia non contentus, ad Expugnationem Regni nostri Classe Maxima & Bellatorum copiosa multitudine Congregatis, cum quibus Regnum nostrum & Regni ejusdem Incolas hostiliter jam invasit, Linguam Anglicanam si conceptæ

conceptæ Iniquitatis proposito detestabili potestas correspondeat (quod Deus avertat) omnino de Terra delere proponit. Quia igitur prævisa Facula minus ledunt, & Res vestra maxime sicut cæterorum Regni ejusdem concivium agitur in hac Parte. Vobis mandamus in Fide & Dilectione quibus nobis tenemini, firmiter Injungentes quod Die dominica proxime post Festum Sancti Martini in hyeme proxime futurum apud Westminster personaliter intersitis. Præmunientes Priorem & Capitulum Ecclesiæ vestræ, Archidiaconum, totumq; Clerum vestræ Dioceseos. Facientes quod iidem Prior & Archidiaconus in propriis personis suis, & Dictum Capitulum per unum, idemq; Clerus per duos Procuratores idoneos plenam & sufficientem potestatem ab ipsis Capitulo & Clero habentes una vobiscum intersint modis Omnibus Tunc ibidem ad Tractandum Ordinandum & Faciendum Nobiscum & cum cæteris Prælatis Proceribus & aliis Incolis Regni nostri qualiter hujusmodi periculis & excogitatis malitiis obviandum. Teste Rege apud Wengeham xxx die Septembris.

Consimiles Literæ diriguntur cæteris Episcopis.

The Translation of this WRIT as made by Doctor Brady, with his Notes on it.

Why the
Citizens
and Bur-
gesses first
summoned
to Parlia-
ment

The King to the venerable Father in Christ R. by the same Grace, Archbishop of Canterbury, &c. Greeting. As the most just Law established by Princes doth appoint, That which concerns All should be approv'd by All. So it evidently shews, that Dangers common to All should be obviated by Remedies provided

vided by All. You understand sufficiently, and as we believe 'tis now divulged through the whole World, how the King of France fraudulently surprized *Gascony*, and yet detains it from Us. But now not content with that, he hath provided a great Navy and Army, with which he hath * invaded our Kingdom and the Inhabitants thereof, and intends to destroy the English Nation and Language, if his Power were answerable to his detestable Purpose, (which God avert.) Because therefore foreseen Attempts do less hurt us; and not only you chiefly, but the rest of the Inhabitants of the Kingdom are also concerned in this Matter. We command, firmly enjoyning you in the Faith and Love by which you are bound to Us, that on the Sunday next after the Feast of St. *Martin* next coming, you be at *Westminster*. And that you warn the *Prior* and *Chapter* of your Church, the *Archdeacon* and whole *Clergy* of your *Diocefs*, and cause the *Prior* and *Archdeacon* in their own Persons, and the *Chapter* by *One*, and the *Clergy* by *Two* fit * Procurators or Proxies, having sufficient Power from the said *Chapter* and *Clergy* to be present with you, then and there to treat, ordain, and appoint with Us and the rest of the Prelates, great Men, and other Inhabitants of the Kingdom how to prevent these Dangers and designed Mischiefs.

* About the 8th. of September this year the French landed at Dover, burnt a great part of the Town, and killed an old Monk *Walsingham* fol. 64. n. 10.

* These are now called Clergy of the Convocation.

Witness the King at Wengeham the 30th of September.

This English Version and the marginal Notes to it are a transcript from Dr. Brady,
in

in his *Treatise of English Burghs or Boroughs*. Fol. p. 34. An Author whom Mr. Atterbury calls Learned and Accurate; and says the very *Transcripts of that knowing Person are exact always, and securely to be rely'd on.* 1 Edit Addend. p. 516.

And therefore to oblige M. A. with the farther Authority and Judgment of a Writer, whom he so justly values; I shall farther transcribe from him some other of his Remarks on this very Writ; which may I hope be the more acceptable to him and the World; because the Book it self, having been writ at a critical Juncture, is very hard to procure, Dr. Brady proves, that distinct Citizens and Burgeses were not call'd with the Knights of the Countys and Earls, Barons and great Men to Parliament, till the 22 Ed. 1. when the Proctors for the Dioceſan Clergy were likewise first call'd to Parliament. And says he,

The Summons to this Parliament directed to the Archbishop of Canterbury is very observable, and may furnish us with the Reason why the King summoned the Citizens and Burgeses to it. Then after he has presented the Reader with the *Original Writ*, and added his own *Version* of it as before given: Then he makes some additional Remarks, which I shall here subjoin. *This is the first Summons I find directed to the Archbishop, by which he was ordered to cause the Body of the Clergy of his Dioceſs, and the Chapter to come to Parliament with him, by their Procurators or Representatives, and the same Reason given in this Writ, that brought them* hither.

The first
Summons
of the
common
Clergy to
Parliament.

hither, brought also the Citizens and Burgeses; as may appear by the Writ before recited, directed to every Sheriff of England for the first Choice of them, and dated the third day of October, next following after the date of this to the Archbishop.

The treating, ordering, and appointing Remedies to prevent the imminent Dangers to the Kingdom, was only to raise Money to prosecute the War, and defend the Nation against the King of France: And towards that, the Clergy gave a tenth; the Earls, Barons and Knights gave an eleventh; and the Demeasns Cities, Burges and King's Tenants of his Demeasns gave a seventh Part of all their Moveable Goods.

By this View of the Writ, and this short Comment of Dr. Brady on it; it does appear what grievous Mistakes M. A. has committed on this Matter.

1. He would have it a Practise restor'd by Edw. I. when it was certainly begun by him.

2. He will have it however before the 23d. of his Reign, some years sooner: Or at least one year before. He is sure of it, in 22. Ed. I. that the same Clause was then practised, or upon second Thoughts a Clause Equivalent to it. When there was no such Clause, nor any such Appearance of the Clergy-Proctors till this common Æra, which he despises, 23. Ed. 1.

3. He makes it to the Benefit of the lower Clergy, if they had but understood their Interest. Whereas they could not but understand, it was to give them no Privilege,
but

but that of vexatious Attendance, and continual Impositions.

4. He makes as if the King alway inserted this Clause, and the Clergy alway obey'd it. Whereas in the remaining years of *Ed. I.* it was omitted even much oftner than it was inserted: And the Clergy's Obedience to it was all Arbitrary Force upon them.

5. He makes as if there were no Returns to the Crown upon such Execution of the *Præmunientes Clause*: But that Letters of Proxy from the Chapters or Diocesan Clergy were sufficient. Whereas a due Return was made directly to the King upon the first Execution of this Clergy's Call to Parliament. Which Return I shall here give from *Pryn. Parl. Writ. p. 161. Vol. I.* and from a better Transcript from the Register of *Bath.*

Serenissimo Domino suo, Domino Edwardo, Dei Gratia illustri Regi Angliæ, Domino Hiberniæ, & Duci Aquitaniæ sui devoti Thomas Prior & Capitulum Bathoniensis Ecclesiæ salutem & debitam cum Orationibus assiduâ Reverentiam & Felicitatem. Ad tractandum, ordinandum, & faciendum una vobiscum & cæteris Prelatis & Proceribus & aliis Regni Incolis in præsentî Convocatione generali apud Westmonasterium die Dominica proxime post Festum Sancti Martini pro diversis Regni Negotiis convenientibus, dilectum in Christo Confratrem & Conprofectum nostrum Fratrem W. de Hampton nostrum facimus ordinamus & constituimus Procuratorem per Præsentes, plenam & liberam Potestatem eidem in hac parte concedentes. In cujus Rei Testimonium sigillum Capituli nostri Præsentibus est appensum.

Datum

Datum in Capitulo nostro Bathon. Die Mercurii proxime ante Festum Sancti Martini. Anno Gratiae MCC. nonagesimo quinto.

Cartular Bathon. MSS. p. 202.

There is a more exprefs Return to the King of the one Proctor appointed for the Chapter of *Bath* in this Form, upon the Prorogation of the Parliament from Sunday after *St Martin* to Sunday before *St. Andrew*.

Serenissimo Domino suo, Domino Edwardo, &c. sui devoti Philippus Superior & Capitulum Bathon. Ecclesiae Salutem, &c. Ad tractandum, ordinandum & faciendum una vobiscum ei ceteris Praelatis & Proceribus & aliis Regni Incolis in hac instanti Convocatione generali apud Westmon. die Dominica proxima ante Festum Sancti Andreæ Apostoli ---- dilectum in Christo Confratrem & Conprofectum nostrum Fratrem W. de Hampton nostrum facimus ordinamus & constituimus Procuratorem legitimum per Praesentes, dantes eidem plenam & liberam Potestatem omnia nostro nomine faciendi quæ nos faceremus, si in Convocatione memorata Praesentes esse possemus. In cujus Rei Testimonium Sigillum Capituli nostri Praesentibus est Appensum. Datum in Capitulo nostro Bathon. die Sanctæ Cecilie Virginis & Martiris. Anno Gratiae MCC. nonagesimo quinto.

We may be satisfied, there were then the like Returns made to the King by the Clergy of each Diocess, as well as by the Chapter of each Cathedral Church. And if Parliamentary Proctors had been then elected, without

without such due Returns of them, I presume the King would not have then thought his Writ satisfied, nor his Authority obey'd, but would have suspected, his Papal Clergy had made but a Jest of his Royal Summons.

The first Act of Parliament by which the Clergy were Tax'd in common with the Laity, *Anno* 16, 17. *Caroli Secundi*.

At the Session of the same Parliament held at *Westminster*, *Nov.* 24. 1664. and continu'd to the second Day of *March*, 1664.

CAP. I.

An Act for granting a Royal Aid unto the King's Majesty, &c.

* To be rais'd, levy'd and pay'd in the space of three years.

Provided always, and be it Enacted by the Authority aforesaid, That all Spiritual Promotions, and all Lands, Possessions, or Revenues annex'to, and all Goods and Chattels growing or renew'd upon the same, or elsewhere, appertaining to the Owners of the said Spiritual Promotions or any of them, which are or shall be charged, or made contributory by this Act towards the Payments aforesaid, during the time * therein appointed, shall be absolutely freed and discharged from the two last of the four Subsidies, granted by the Clergy to His Majesty, His Heirs and Successors, by an Act made in a former Session of this present Parliament, Entituled, An Act for confirming of four Subsidies granted by the Clergy; Any Clause or Thing in the said Act to the contrary notwithstanding.

Provided always that nothing herein contained, shall be drawn into Example, to the prejudice of the Antient Rights belonging unto the Lords Spiritual and Temporal, or Clergy of this Realm, or unto either of the Universities, or unto any Colleges, Schools, Alms-Houses, Hospitals or Cinque-Ports.

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ERRATA of the Press.

Page 11. line 5. from bottom, for *or ss Aembly* read *Assembly*, p. 28. l. 8. for *almost* r. *utmost*, p. 51. l. 20. for *ry* r. *very*, p. 57. l. 3. for *Hen. 7. r. Hen. 6.* p. 110. l. 6. from bot. for *National* r. *General*, as in the Reference, p. 128. l. 5. from bot. for *Lambeen* r. *Lambeth*, p. 143. l. 14. for *might be ready* r. *were ready*, p. 147. l. 13. for *clear by* r. *clearly*, p. 231. l. 4. from bot. for *Traſtar-tui* r. *traſtaturi*, p. 240. l. 8. for *Ordeicus* r. *Ordericus*, ib. l. 12. from bot. for *Orders* r. *Order*, p. 247. l. 18. for *never* r. *ever*, p. 249. l. 2. for *Subjects* r. *Subject*, p. 251. l. 3. for *derived* r. *depriv'd*, p. 270. l. 7. for *foedat* r. *feoda*, p. 308. l. 12. from bot. for *Præmontory Clauſs* r. *Præmonitory Clauſe*. Appendix p. 322. l. 19. for *Cautions* r. *Evaſions*, p. 334. 1 Ed. l. 9. for *Records of the Parliament* r. *Records of the laſt Parliament*, p. 341. 1 Col. l. 10. for *Aſperſion* r. *Aſſertion*, p. 368. 2 Col. l. 2. from bot. for *ſtood have* r. *have ſtood*, p. 383. l. 12. for *Superior* r. *Supprior*.
